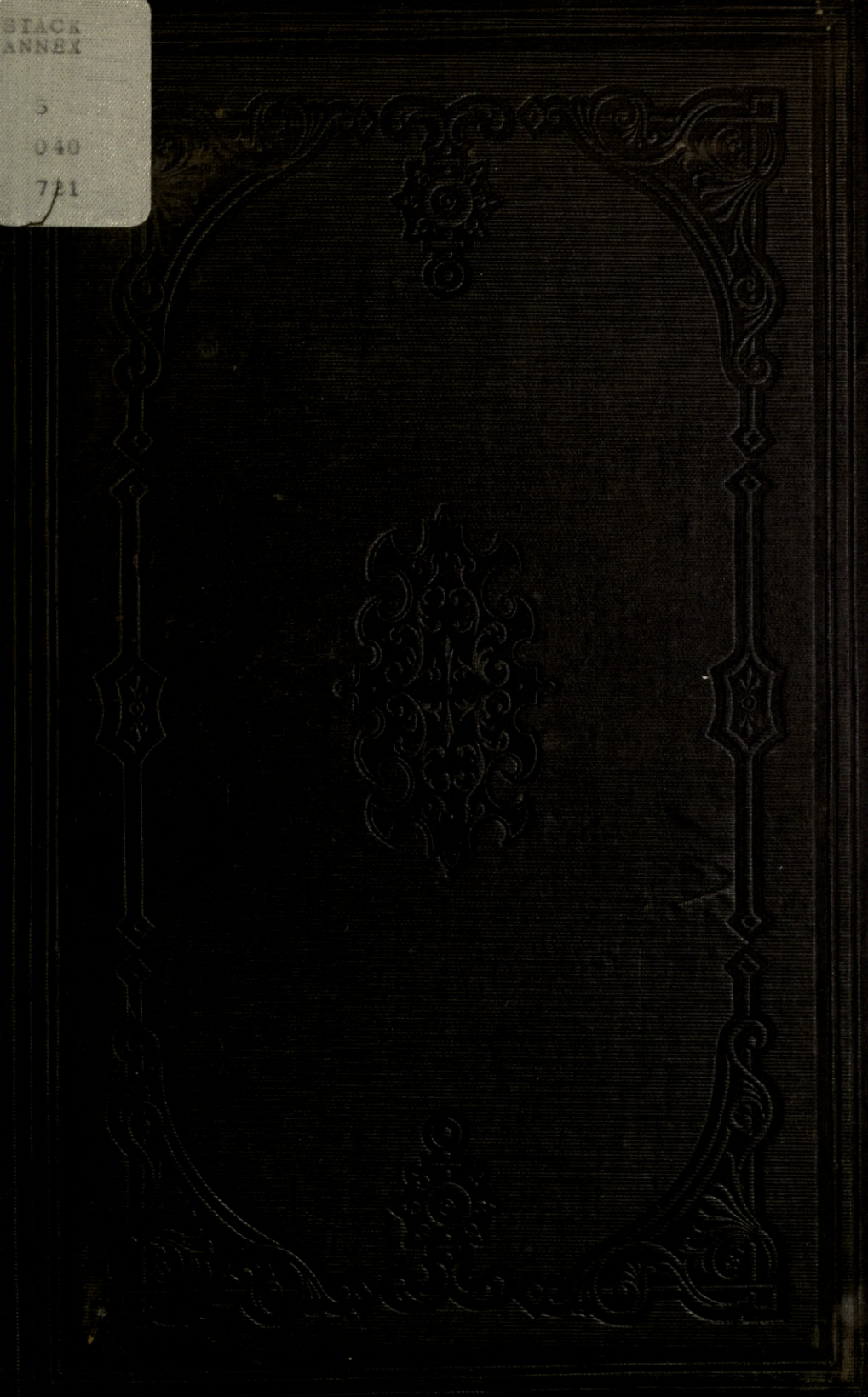


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C. K. OGDEN



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# PILLARS OF ROME BROKEN.

WHOLE.

ALL THE TRUTH CONCERNING THE STATE OF  
ENGLAND WITH A FULL HISTORY OF THE  
REIGN OF CHARLES THE FIRST.

BY JOHN H. B. B. B. B.

## A SPARKING ALARM

IN ALL SORTS OF ENGLISHMEN AGAINST FOREIGN  
AND OTHER GAMES AND OTHER INTERESTS.

BY THE EDITOR OF THE

NEW ENGLISH REVIEW.

A NEW HISTORY OF THE

CHARLES H. B. B. B. B.

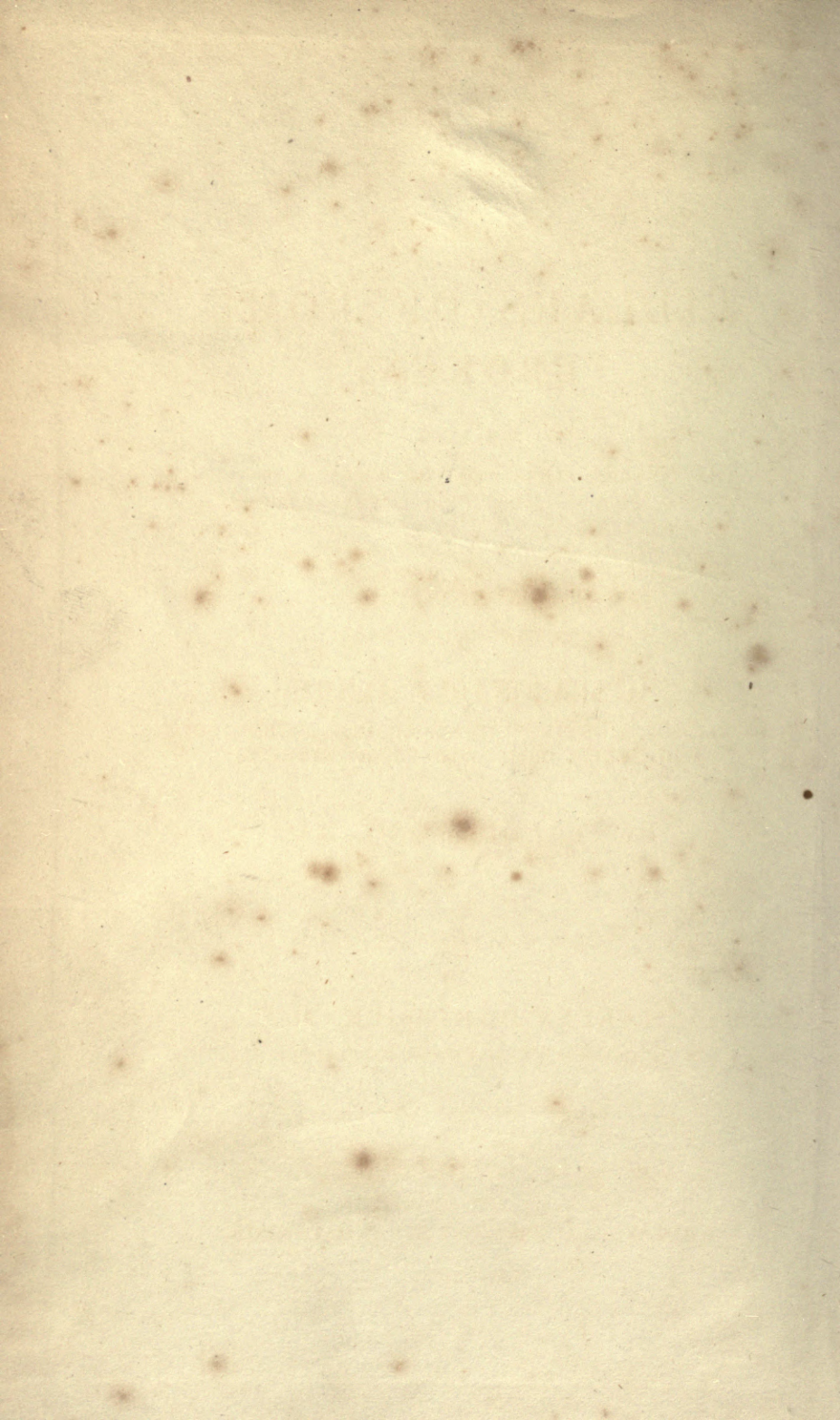
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*ROMA RUIT.*

---

THE  
PILLARS OF ROME  
BROKEN:

WHEREIN

ALL THE SEVERAL PLEAS FOR THE POPE'S AUTHORITY IN  
ENGLAND, WITH ALL THE MATERIAL DEFENCES OF THEM,  
AS THEY HAVE BEEN URGED BY ROMANISTS FROM  
THE BEGINNING OF OUR REFORMATION TO THIS  
DAY, ARE REVISED AND ANSWERED.

TO WHICH IS SUBJOINED

A SEASONABLE ALARM

TO ALL SORTS OF ENGLISHMEN, AGAINST POPERY, BOTH  
FROM THEIR OATHS AND THEIR INTERESTS.

BY FR. FULLWOOD, D.D.,

ARCHDEACON OF TOTNES IN DEVON.

*A NEW EDITION REVISED*

BY

CHARLES HARDWICK, M.A.,

FELLOW OF St. CATHARINE'S HALL, CAMBRIDGE.

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CAMBRIDGE:

J. AND. J. J. DEIGHTON.

JOHN W. PARKER, WEST STRAND, LONDON.

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M.DCCC.XLVII.

[Τοῦτο γὰρ καὶ φορτικὸν καὶ οὐ πόρρω τῆς Ἰουδαϊκῆς ταπει-  
νότητος περιγράφειν τῇ Ῥώμῃ τὴν ἐκκλησίαν. Nilus, archiep.  
Thessal. de Primatu Papæ Romani, Lib. II. p. 34; ed.  
Salmas.]



**Cambridge :**

Printed at the Antberstip Press.



THE object of the following reprint is to supply on the subject of the papal jurisdiction a well-digested text-book. Many persons who take an interest in that question, are wholly precluded from historical investigation through their want of the necessary leisure; while others by studying the controversy under one single aspect, or for the satisfaction of particular doubts, have frequently arrived at very partial conclusions. To both these classes a careful synopsis of the whole body of testimony will not fail to be of service; and such a synopsis has been already provided in this Treatise of Archdeacon Fullwood<sup>1</sup>. He would have ‘the difference clearly stated, and the arguments stripped of their cumber, and the controversy so reduced, that the world may perceive where we are; and that doubtful inquirers after truth and the safest religion may satisfy their consciences and fix their practice<sup>2</sup>.’

<sup>1</sup> The name is written indifferently Fullwood and Fulwood.

<sup>2</sup> See Introduction and Epistle Dedicatory.

On the three qualities of comprehension, perspicuity, and arrangement, are rested his chief claims to consideration; nor can any one, in questions like the present, possess qualities more likely to obtain it.

Should it appear, therefore, that the elaborate Treatises of Jewel, Rainolds, Laud, Morton, Bramhall, Twysden, Hammond, and Stillingfleet, have been faithfully reduced and methodized, the Church of England will have cause to welcome the reappearance of this portion of Fullwood's writings, and to cherish anew the remembrance of one who can still, as in his lifetime, serve among the number of her champions.

Very few particulars have come down to us respecting the private history of FRANCIS FULLWOOD. His own testimony assures us that he was educated at the Charter-house<sup>1</sup>. From thence he was in all probability removed to the University of Cambridge. His name occurs in the Admission-book of Emmanuel College, with the further information that he became B. A. in 1647<sup>2</sup>. Of his connexion

<sup>1</sup> In the Dedication of his 'Discourse of the Visible Church,' where he speaks of himself as 'formerly a plant in that excellent nursery.'

<sup>2</sup> Obligingly communicated by the Master of Emmanuel College.



with this society he himself makes mention in the dedication of the 'Roma Ruit,' induced most probably by the circumstance that Archbishop Sancroft whom he addresses was also of Emmanuel College. The increase of the revolutionary troubles would prevent his graduating in the usual course: accordingly we find no trace of him in the University till the period of the Restoration, 1660, when he was created D. D. by royal mandate. On the 31st of August in the same year he was installed as Archdeacon of Totton or Totnes'.—During the interval of thirteen years, which had elapsed since his B. A. degree, Fullwood was labouring for the cause of truth and order in the south-western dioceses. His first publication appears to have been 'Vindiciæ Mediorum et Mediatoris.' The date is 1651, and he describes himself as 'Minister of the Gospel at Staple Fitz-pane in the county of Somerset,' (8vo, Lond. 1651). In this Treatise as in others, Fullwood is refuting the extravagancies of the age respecting the *immediate* communication of spiritual influences. Prefixed is a kind of pastoral letter which he addressed to the 'pious flock at Totnes,' warning them, through their clergyman,

<sup>1</sup> Le Neve, Fasti, p. 97. The archdeaconry had remained vacant since the death of Edward Cotton in 1647. After one interval Fullwood was succeeded by Francis Atterbury.

against the errors then prevalent. This circumstance indicates a more than ordinary interest in the town, which afterwards gave the name to his archdeaconry<sup>1</sup>.—In the following year he published ‘The Churches and Ministry of England true Churches and true Ministry, proved in a Sermon at Wiviliscombe,’ (4to, Lond. 1652).—In 1656, appeared ‘A true Relation of a Dispute between him and one Thomas Salthouse,’ (4to, Lond.) He is at this time described as ‘Minister of West Alvington, in the county of Devon.’ His antagonist was a very unlearned Quaker.—The next publication of our Author was ‘A Discourse of the Visible Church, in a large Debate of this famous Question, viz. Whether the Visible Church may be considered to be truly a Church of Christ, without respect to saving grace?’ (4to, Lond. 1658.) In this Treatise (which contains 296 pages, besides an Appendix on Confirmation) Fullwood is still described as Min-

<sup>1</sup> About the same time Fullwood appears to have published an Examination of ‘Want of Church Government no warrant for omission of the Lord’s Supper.’ The author of this treatise was Henry Jeanes (the antagonist of Bp. Taylor); it bears the date 1650, but no copy of Fullwood’s ‘Examination’ has been met with. Wood (Athen. Oxon. Vol. II. p. 299) in mentioning this controversy gives a few particulars respecting Fullwood. See also Blisse’s Edition, Vol. III. p. 591. Two slight notices occur in Wood’s Fasti, ed. Blisse, but both are unimportant. The same may be said of passing references to Fullwood in Sylvester’s ‘Life of Baxter,’ and other contemporary writers.



ister of West Alvington in Devon.—His elevation to the archdeaconry of Totnes in 1660 did not abate his former activity, nor lessen the usefulness of his labours. In 1661, he put forth ‘Some necessary and seasonable Cases of Conscience about things indifferent in matters of Religion, briefly yet faithfully stated and resolved<sup>1</sup>,’ (8vo, Lond.); in 1667, ‘The General Assembly, or the Necessity of receiving the Communion in our public Congregations, a sermon on Heb. xii. 23;’ in 1672, ‘The Necessity of Keeping our Parish Churches, argued from the Sin and Danger of the Schisms in the Church of Corinth, and of the present Separation, in a Sermon before the Judges at the Assizes at Exeter.’—In 1679 appeared the ‘Roma Ruit<sup>2</sup>,’ at a time when Churchmen were beginning to look forward with apprehension to the reign of a Romish proselyte. Its character and object are clearly described in the ‘Epistle Dedicatory’ and the ‘Preface to the Reader.’—In 1680<sup>o</sup> was published ‘Leges Angliæ; the Lawfulness of Ecclesiastical Jurisdiction in the Church of England, asserted and vindicated.’ The

<sup>1</sup> This treatise was published anonymously, and is assigned to Fullwood on the authority of the Bodleian Catalogue. In the same Catalogue mention is made of two pamphlets on ‘Toleration not to be abused,’ (Lond. 1672), both anonymous, but there classed among Fullwood’s writings.

<sup>2</sup> The title was perhaps suggested by Featley’s ‘Roma Ruens.’

main Treatise here assailed by Fullwood bears the title 'Naked Truth, the 2nd Part:' it was one of the many scurrilous productions of Edmund Hickeringil, formerly Fellow of Gonville and Caius College, Cambridge. The 'Leges Angliæ' and the 'Roma Ruit' were bound up together, and published in 1681, with the title 'The Established Church.' There was, however, at this time no new edition of the 'Roma Ruit'.<sup>1</sup>—The remaining works of Fullwood (so far as the Editor can discover) are as follows: 'The Case of the Times discussed; being an Exercitation of two cases upon Rom. xiii. 1—5,' (8vo, Lond. 1683); 'The Socinian Controversy touching the Son of God reduced, in a brief Essay to prove the Son one in Essence with the Father, upon Socinian principles, concessions, and reason,' (8vo, Lond. 1693); 'A Parallel wherein it appears that the Socinian agrees with the Papist, if not exceeds him, in Idolatry, Antiscripturism, and Fana-ticism,' (8vo, Lond. 1693).

On the 27th of August, in this same year, Francis Fullwood died<sup>2</sup>.

<sup>1</sup> This statement rests on internal evidence of paging, typographical errors, &c.; yet in Clavel's 'Catalogue of Books printed since the Fire,' 'the Established Church' is classed among the 'New Works' published in Easter Term, 1681.

<sup>2</sup> Le Neve, as above.

It remains to be stated that the present reprint of Fullwood's labours was undertaken at the suggestion of Professor Corrie, as a supplement to the recent edition of Sir Roger Twysden's *Historical Vindication of the Church of England*. The references throughout have been verified, and authorities supplied within [ ], where Fullwood had given none, or the name only of some writer in a side-note. In a few instances, inaccuracies have been detected, but they are generally such as may be accounted for by the Author's inability to correct the press,—a circumstance dwelt upon by his Printer, who begs that the 'escapes be not laid upon the Author.' The Editor would enter a like plea, if it be found that either in the foot-notes, or in the Appendix on English Romanists, he has inserted anything unworthy of the subject.

CHARLES HARDWICK.

ST. CATHARINE'S HALL, CAMBRIDGE,  
Sept. 22, 1847.

---





REVERENDISSIMO IN CHRISTO PATRI

GULIELMO<sup>1</sup>

ARCHIEPISCOPO CANTUARIENSI,

TOTIUS ANGLIÆ PRIMATI,

ET

REGLÆ SERENISSIMÆ MAJESTATIS A SANCTIORIBUS CONCILIIS,

FRANCISCUS FULLWOOD,

OLIM COLLEGII EMMANUEL, APUD CANTABRIGIENSES,

LIBRUM HUNC, HUMILLIME D. D. D.

<sup>1</sup> [i. e. William Sancroft.]







TO

THE RIGHT REVEREND FATHER IN GOD

GEORGE<sup>1</sup> LORD BISHOP OF WINTON,

PRELATE OF THE MOST NOBLE ORDER OF THE GARTER.

---

MY VERY GOOD LORD,

BLESSED be God that I have survived this labour, which I once feared I should have sunk under, and that I live to publish my endeavours once more in the service of the Church of England; and thereby have obtained my wished opportunity, to dedicate a monument of my deep sense of your lordship's manifold obligations upon me.

In particular, I rejoice in the acknowledgment, that I owe my public station, next under God and his sacred Majesty, to your lordship's assistance and sole interest, though I cannot think so much out of kindness to my person (then, altogether unknown to your lordship) as affection and care of the Church; grounded in a great and pious intention (however the object be esteemed) truly worthy of so renowned a prelate, and (many other ways) excellent and admired patriot of the Church of England.

If either my former attempts have been anywise available to the weakening the bulwarks of Nonconformity, or my present essay may succeed, in any

<sup>1</sup> [i. e. George Morley.]

measure, to evince or confirm the truth in this greater controversy, I am happy; that, as God hath some glory, and the Church some advantage, so some honour redounds upon your lordship, who with a virtuous design gave me a capacity at first, and ever since have quickened and animated my endeavours in those services.

I may be permitted to name our controversy with the Church of Rome, the great controversy: for having been exercised in all the sorts of controversy with adversaries on the other hand, I have found, that all of them put together are not considerable, either for weight of matter, or copiousness of learning, or for art, strength, or number of adversaries, in comparison of this.

It takes in the length of time, the breadth of place, and is managed with the height of wit and depth of subtilty; the hills are covered with the shadow of it, and its boughs are like the goodly cedars.

My essay in these Treatises is to shorten and clear the way; and therefore, though I must run with it through all time, I have reduced the place, and removed the wit and subtilties, that would impede our progress.

I have endeavoured to lop off luxuriant branches, and swelling excrescences, to lay aside all personal reflections, captious advantages, sophistical and sarcastical wit, and to set the arguments on both sides free from the darkness of all kind of cunning, either of escape or reply, in their plain light and proper strength; as also to confine the controversy, as near

as I can, within the bounds of our own concern, *i. e.* our own Church.

And when this is done, the plain and naked truth is, that the meanest of our other adversaries (I had almost said the silly Quaker himself) seems to me to have better grounds, and more like Christian, than the glorious cause of the papacy.

But to draw a little nearer to our point, your lordship cannot but observe, that one end of the Roman compass is ever fixed upon the same centre, and the sum of their clamour is, our disobedience to the See of Rome. Our defence stands upon a two-fold exception, (1) Against the Authority. (2) Against the Laws of Rome; and if either be justified, we are innocent.

The first exception (and the defence of our Church against the authority of that See) is the matter of this Treatise; the second is reserved.

I have determined that all the arguments for the pope's authority in England are reducible to a five-fold plea, the right of conversion as our apostle, the right of a patriarch, the right of infallibility, the right of prescription, and the right of universal pastorship: the examination of them carries us through our work.

Verily, to my knowledge, I have omitted nothing argumentative of any one of these pleas; yea, I have considered all those little inconsiderable things, which I find any Romanists seem to make much of. But, indeed, their pretended right of possession in England, and the universal pastorship (to which they adhere as their surest holds,) have my most intended



and greatest strength, and care and diligence; that nothing material, or seemingly so, might escape either unobserved, or not fully answered;—let not the contrary be said, but shewn.

I have further laboured to contract the controversy two ways.

(1) By a very careful, as well as large, and I hope, as clear state of the question, in my definition and discourse of schism, at the beginning; whereby mistakes may be prevented, and much of matter disputed by others excluded.

(2) By waving the dispute of such things as have no influence into the conclusion; and (according to my use) giving as many and as large concessions to the adversary, as our cause will suffer.

Now my end being favourably understood, I hope, there is no need to ask your lordship's, or any other's, pardon, for that I have chosen not to dispute two great things:

(1) That in the words '*Tu es Petrus, et super hanc Petram,*' there is intended some respect, peculiar to St Peter's person. It is generally acknowledged by the most learned defenders of our Church, that St Peter had a primacy of order, and your lordship well knows, that many of the ancient fathers have expressed as much; and I intend no more.

(2) That tradition may be infallible, or indefectible, in the delivery of the essentials of religion, for aught we know. By the essentials, we mean no more, but the Creed, the Lord's Prayer, the Decalogue, and the two Sacraments. In this I have my second, and my reason too; for then Rushworth's

*Dialogues*, and the new methods of Roman opposition, need not trouble us.

My good Lord, it is high time to beg your pardon, that I have reason to conclude with an excuse for a long epistle: the truth is, I thought myself accountable to your lordship for a brief of the book, that took its being from your lordship's encouragement; and the rather, because it seems unmannerly to expect that your good old age should perplex itself with controversy, which the good God continue long and happy, to the honour of His Church on earth, and then crown with the glory of heaven. It is the hearty prayer of,

My Lord,

Your Lordship's most obliged

and devoted servant,

FR. FULLWOOD.

My dear friend, the new method of business is  
not yet known to me.

My dear friend, it is high time to beg your pardon.  
I have reason to consider with an excuse for a  
long while: the truth is, I thought myself account-  
able to your kindness for a part of the book, that  
it is being from your friendship's encouragement;  
and the rather, because it seems necessary to  
report that your good old age should perplex itself  
with controversy, which the good God continue long  
and happy to the honor of the Church on earth  
and then known with the glory of heaven. It is the  
best manner of

My dear friend

Your friendship's most obliged

and devoted servant

THE TULLWOOD



## A PREFACE TO THE READER.

---

GOOD READER,

OUR Roman adversaries claim the subjection of the Church of England by several arguments, but insist chiefly upon that of Possession, and the Universal Pastorship. If any shall deign to answer me, I think it reasonable to expect they should attack me there, where they suppose their greatest strength lies; otherwise, though they may seem to have the advantage by catching shadows, if I am left unanswered in those two main points, the substance of their cause is lost.

I. For if it remain unproved that the Pope had quiet possession here, and the contrary proof continue unshaken, the argument of possession is on our side.

I doubt not but you will find that the Pope had not possession here before; that he took not possession by Austin the Monk; and that he had no such possession here afterwards, sufficient to create or evince a title.

It is confessed, that Austin took his archbishopric of Canterbury as the gift of Saint Gregory, and having recalled many of the people to Christianity, both the converts and the converter gave great submission and respect to Saint Gregory, then bishop of Rome; and how far the people were bound to obey their parent that had begotten them, or he his mas-

ter, that sent him and gave him the primacy, I need not dispute.

But these things to our purpose are very certain.

(1) That conversion was anciently conceived to be the ground of their obedience to Saint Gregory, which plea is now deserted, and that Saint Gregory himself abhorred the very title of universal bishop, the only thing now insisted on.

(2) It is also certain that the addition of authority, which the King's silence, permission, or connivance gave to Austin, was more than Saint Gregory's grant, and yet that connivance of the new-converted King, in the circumstances of so great obligation and surprise, (who might not know, or consider, or be willing to exercise his royal power then in the point) could never give away the supremacy, inherent in his crown, from his successors for ever.

(3) It is likewise certain, that neither Saint Gregory's grant, nor that King's permission, did or could obtain possession for the Pope, by Austin, as the Primate of Canterbury, over all the British Churches and Bishops; which were then many, and had not the same reason from their conversion by him to own his jurisdiction, but did stiffly reject all his arguments and pretences for it. King Æthelbert, the only Christian king at that time in England, had not above the twentieth part of Britain within his jurisdiction; how then can it be imagined that all the king of England's dominions, in England, and Wales, and Scotland, and Ireland, should be concluded within the primacy of Canterbury, by Saint Augustine's possession of so small a part?

(4) It is one thing to claim, another to possess. Saint Augustine's commission was, to subject all Britain; to erect two archbishoprics and twelve bishoprics, under each of them; but what possession he got for his master, appears in that, after the death of that Gregory and Austin, there were left but one archbishop and two bishops, of the Roman communion, in all Britain.

(5) Moreover, the succeeding archbishops of Canterbury soon after discontinued that small possession of England which Augustine had gotten; acknowledging they held of the crown, and not of the Pope, resuming the ancient liberties of the English Church, which before had been, and ought always to be, independent on any other; and which of right returned, upon the return of their Christianity: and accordingly our succeeding kings, with their nobles, and commons, and clergy, upon all occasions, denied the papal jurisdiction here, as contrary to the King's natural supremacy, and the customs, liberties, and laws of this kingdom.

And as Augustine could not give the mitre, so neither could King John give the crown of England to the bishop of Rome. For (as Matth. Paris relates) 'Philip Augustus answered the Pope's legate, no king, no prince, can alienate or give away his kingdom, but by consent of his barons (who, we know, protested against King John's endeavour of that kind) bound by knight's service to defend the said kingdom; and in case the Pope shall stand for the contrary error, his holiness shall give to kingdoms a most pernicious example:—so far is one unwarrantable act of a fear-



ful prince, under great temptations, from laying a firm ground for the Pope's prescription. And it is well known, that both the preceding and succeeding kings of England defended the rights of the crown, and disturbed the Pope's possession, upon stronger grounds of nature, custom, and plain statutes, and the very constitution of the kingdom, from time to time, in all the main branches of supremacy, as, I doubt not, but is made to appear by full and authentic testimony beyond dispute.

II. The other great plea for the Pope's authority in England is that of Universal Pastorship. Now if this cannot be claimed by any right, either Divine, civil, or ecclesiastical, but the contrary be evident,—and both the Scriptures, Emperors, Fathers, and Councils did not only not grant, but deny and reject, the Pope's Supremacy as an usurpation,—what reason hath this, or any other Church, to give away their liberty upon bold and groundless claims?

The pretence of civil right, by the grant of Emperors, they are now ashamed of, for three reasons; it is too scant, and too mean, and apparently groundless; and our discourse of the Councils hath beaten out an unanswerable argument against the claim by any other right, whether ecclesiastical or Divine: for all the general Councils are found, first, not to make any such grant to the Pope, whereby the claim by ecclesiastical right is to be maintained; but, secondly, they are all found making strict provisions against his pretended authority, whereby they and the Catholic Church in them deny his Divine right.

It is plainly acknowledged by Stapleton himself,

that, before the Council of Constance, *Non Divino sed humano jure, et positivis Ecclesiæ decretis, primatum Romani Pontificis niti senserunt*, speaking of the Fathers; that is, the Fathers before that Council thought the primacy of the Pope was not of Divine right, and that it stood only upon the positive decrees of the Church; and yet he further confesseth in the same place, that the power of the Pope now contended for (*nullo sane decreto publico definita est*) 'is not defined by any public Decree,' *tacito tamen doctorum consensu*.

Now what can remain, but that which we find him immediately driven to, viz. to reject the pretence of human right by positive Decrees of the Church, and to adhere only (as he himself affirmeth they generally now do) to the Divine right: *Nunc (inquit) autem nemini amplius Catholico dubium est, prorsus Divino jure, et quidem illustribus Evangelii testimoniis hunc Primatum niti*.

Thus, how have they entangled themselves! If they pretend a human right, he acknowledgeth they cannot find it, where it ought to be found, in the public decrees of the Church: if a Divine right, he confesseth the Fathers denied it, before the Council of Constance; and he knows that Council condemned it.

Stapleton at length affirms, that now no Catholic doubts but the Pope's primacy is of Divine right; whence the heart of the Roman cause is stabbed, by these clear and sharp conclusions,—

1st Conclusion: That all Catholics of the present Roman Church do now hold a new article, touching the Pope's primacy, not known to the Fathers before

the Council of Constance, A.D. 1415, and condemned by that Council as an error.

2nd Conclusion: That therein the faith of the present Roman Church stands counter to the faith, decrees, and practices of all the first general Councils, consisting of Fathers that flourished therein, long before the Council of Constance, *i. e.* in their own sense, the ancient Catholic Church.

You will find that the evidence hereof ariseth, not only from the words of Stapleton, but from the decrees of all the first eight general Councils, every one of them, one way or other, expressly disclaiming that supremacy which the Pope and his present Church would arrogate; and in those Councils all the Fathers and the Catholic Church are confessedly concluded; and consequently, antiquity, infallibility, and tradition are not to be found at Rome.

The sum is, the Church of England,—that holds the true, ancient, Catholic faith, and the first four general Councils, and hath the evidence of four more on the point,—cannot be blamed for rejecting, or not readmitting, a novel and groundless usurpation, contrary to them all, and contrary also to the profession of the present Roman Church, that pretends to believe that the ‘faith of the first eight general Councils is the Catholic faith.’

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Imprimatur,

GUIL. JANE, *R. P. D.* HEN. *Episc.* LOND.,

*à Sacris Domest.*

Jan. 24, 1678.

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## THE POSTSCRIPT:

## OBJECTIONS TOUCHING THE FIRST GENERAL COUNCILS; AND OUR ARGUMENTS FROM THEM ANSWERED MORE FULLY.

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## THE INTRODUCTION.

THE DESIGN.—THE CONTROVERSY CONTRACTED  
INTO ONE POINT, *viz.* SCHISM.

---

**T**HE Church of England hath been long possessed both of herself and the true religion, and counts it no necessary part of that religion to molest or censure any other Church. Yet she cannot be quiet, but is still vexed and clamoured with unwearied outcries of Heresy and Schism from the Church of Rome, provoking her defence.

The ball hath been tossed as well by cunning as learned hands, ever since the Reformation; and it is complained, that by weak and impertinent allegations, tedious altercations, unnecessary excursions, and much sophistry, needlessly lengthening and obscuring the controversy, it is in danger to be lost.

After so great and so long exercises of the best champions on both sides, it is not to be expected, that any great advance should be made on either: yet how desirable is it, that at length the true difference were clearly stated, and the arguments stripped of their said cumber, and presented to us in their proper evidence, and the controversy so reduced, that the world might perceive where we are; and doubtful inquirers after truth and the safest religion, might satisfy their consciences and fix their practice.

This is in some measure the ambition of the present Essay. In order to it, we have observed that



the shop out of which all the arms, both offensive and defensive, on both sides are fetched, is Schism ; and the whole controversy is truly contracted into that one point, which will appear by two things—

1. By the State of the allowed nature of Schism.
2. By the Application of it so explained.

## CHAPTER I.

### THE DEFINITION OF SCHISM.

---

#### SECTION I.

##### OF THE ACT OF SCHISM.

**T**HAT we may lie open to their full charge, we lay the notion in as great a latitude, as, I think, our adversaries themselves would have it.

*Schism is a voluntary division of a Christian Church, in its external Communion, without sufficient cause.*

(1) It is a *Division*—<sup>1</sup>διχοστασίαι, divisions or Act. rents among you. This division of the Church is made either *in* the Church or *from* it. In it, as it is a particular Church, which the Apostle blames in the Church<sup>2</sup> of Corinth; though they came together, and did not separate from the external Communion, but divided in it and about it. Division in the Church particular.

(2) Division is made also in the Church as Catholic or universal; and some charge the Church or court of Rome (as we shall observe hereafter) herewith, as the cause of many deplorable rents and convulsions in the bowels of it: and indeed in a true sense, all that are guilty of dividing either in, or from a particular Church (without just cause) are guilty of Schism in the Catholic, as the *aggregatum* of all particular Churches. Catholic.

There is division as well from, as in the Church;

<sup>1</sup> [1 Cor. iii. 3.]

<sup>2</sup> [1 Cor. xi. 20, 33.]

and this is either such as is improperly called separation, or properly, or more perfectly so.

(1) Separation improperly so called, we may term negative; which is rather a recusancy or a denial of Communion, where it is either due, or only claimed and not due, but was never actually given.

(2) It is properly so, where an actual separation is made, and Communion broken or denied, where it has wont to be paid.

(3) Or yet more perfectly, when those that thus separate and withdraw their Communion from a Church, join themselves in an opposite body, and erect altar against altar.

---

## SECTION II.

### SUBJECT OF SCHISM.

Subject.

**T**HUS of the *Act* of Schism, Division. Let us briefly consider the *Subject* of this division, which is not a civil or an infidel society, but a Christian Church. I do not express it a true Church (for that is supposed): for if it be a Christian Church it must be true, otherwise it is not at all.

Some learned of our own side distinguish here of the truth of the Church physically or metaphysically considered, or morally; and acknowledge the Roman Church to be a true Church, or truly a Church, (as some would rather have it), but deny it to be such morally: and plead for separation from it only in a moral sense, or as it is not a true Church, *i. e.* as it is a false and corrupt Church, not as it is a Church.



But finding this distinction to give offence, and perhaps some advantage to our adversaries,—at least for the amusing and disturbing the method of disputation,—and being willing to reduce the difference as much as I am able, I shall not insist upon these distinctions.

I confess, *pace tantorum*, I see no danger in, but rather a necessity of, granting the Church of Rome to be a true Church even in a moral sense, largely speaking—as moral is distinguished from physical or metaphysical: and the necessity of this concession ariseth from the granting or allowing her to be a true Church in any sense, or a Church of Christ.

For to say, that a Christian Church is not a true Church morally, yet is so really (i.e. physically or metaphysically), seems to imply that it is a Christian Church, and it is not a Christian Church; seeing all the being of a Christian Church depends upon its truth in a moral sense, as I conceive is not questioned by either side.

And when we grant that the Church of Rome or any other is a true Christian Church in any sense, we do mean that she retains so much of Christian truth in a moral sense, as is requisite to the truth and being of a Christian Church.

Indeed the very essence of a Christian Church seems to be of a moral nature, as is evident in all its causes. Its efficient, the preaching of the gospel under divine influence, is a moral cause; the form, living in true faith and religion, is moral; its end and all its formal actions, in profession and communion, are of a moral nature; and though Christians as they

are men, are indeed natural beings, yet as they are Christians and the matter of the Christian Church, and more, as they are in a society, they fall properly under a moral consideration.

But how can a Church be true and not true, and both in a moral sense? How can we own the Church of Rome as a true Church, and yet leave her as a false Church, and true and false be both taken morally? Very well: and our learned men intend no other, though they speak it not in these terms.

For to be true and false, in the same (moral) sense, doth not imply the being so, in the same respects. Thus the Church of Rome may be granted to be a true Christian Church, with respect to those fundamentals retained in her faith and profession, wherein the being and truth of such a Church consisteth; and yet be very false, and justly to be deserted for her gross errors, in many other points, believed also and professed by her:—as a bill in chancery may be a true bill for the substance of it and so admitted; and yet in many things falsely suggested, it may be very false, and as to them be rejected.

1. Catholic.

(1) The Church as the subject of Schism may be further considered as Catholic; that is, absolute, formal, essential, and as it lies spread over all the world, but united in one common faith. From this Church the Donatists, and other ancient heretics, are said to have separated.

2. Particular.

(2) As Particular, in a greater or lesser number or part of the Catholic. Thus the modern separatists forsaking the Church of England are said to be Schismatics.

(3) In a complex and mixed sense; as the particular Roman Church, pretending also to be the Catholic Church, calls herself Roman Catholic, and her particular bishop the Universal Pastor. In which sense, the Church of England is charged with separation from the Catholic Church, for denying communion with the particular Church of Rome. 3. Mixed.

---

### SECTION III.

#### FIRST OBJECT OF SCHISM.—FAITH.

THE third point is the *object*, about and in which, separation is made—namely, external communion; in those three great means or bonds of it, Faith, Worship, and Government—under that notion, as they are bonds of Communion. External  
Communion.

The first is Faith or doctrine: and it must be acknowledged, that to renounce the Church's Faith, is a very great Schism: yet, here, we must admit two exceptions. It must be the *Church's* Faith; that is, such doctrine as the Church hath defined as necessary to be believed, if we speak of a particular Church: for in other points, both authorities allow liberty. Again, though the Faith be broken, there is not Schism presently or necessarily, except the external Communion be also, or thereby disturbed. Heretical principles not declared, are Schism in principle, but not in act—('Hast thou faith? have it to thyself<sup>1</sup>'). It is farther agreed, that we may and sometimes must differ with a particular Church in doctrine, wherein she

<sup>1</sup> [Rom. xiv. 22.]



departs from the Catholic Faith: but here we must take care, not only of Schism, but damnation itself, as <sup>1</sup>Athanasius warns us.

Every one should therefore endeavour to satisfy himself in this great question, What is Truth? or the true Catholic Faith? To say presently, that it is the doctrine of the Roman Church, is to beg a very great question, that cannot easily be given. I should think Athanasius is more in the right; when he saith, 'This is the Catholic Faith,' &c. In my opinion they must stretch mightily that can believe, that the Catholic Faith, without which no man can be saved—and therefore, which every man ought to understand—takes in all the doctrines of the council of Trent.

Till the contrary be made evident, I shall affirm after many<sup>2</sup> great and learned men, that he that believes the Scriptures in general, and as they are interpreted by the Fathers of the primitive Church; the three known Creeds; and the four first general councils, and knows and declares himself prepared to

<sup>1</sup> ["Whosoever will be saved, before all things it is necessary that he hold the Catholic Faith." Athanasian Creed.]

<sup>2</sup> [e.g. Bishop Taylor, 'Letter I. to one seduced to the Church of Rome': "For its doctrine, it is certain it (the Church of England) professes the belief of all that is written in the Old and New Testament, all that which is in the three Creeds, the Apostolical, the Nicene, and that of Athanasius, and whatsoever was decreed in the four general councils, or in any other truly such; and whatsoever was condemned in these, our Church hath legally declared it to be heresy. And upon these accounts, above four whole ages of the Church went to heaven; they baptized all their catechumens into this faith, their hopes of heaven were upon this and a good life, their saints and martyrs lived and died in these alone, they denied communion to none that professed this faith." Works, Vol. xi. p. 184, ed. 1822.]

receive any further truth that he yet knows not, when made appear to be so, from Reason, Scripture, or just Tradition, cannot justly be charged with Schism from the Catholic Faith.

Methinks, those that glory in the old religion should be of this mind; and indeed, in all reason, they ought to be so, unless they can shew an older and better means of knowing the Catholic Faith than this. What is controverted about it, we shall find hereafter in its due place.

In the mean time, give me leave to note, that our more learned and moderate adversaries do acquit such a man or Church, both from Heresy and Schism; and indeed come a great deal nearer to us, in putting the issue of the controversy very fairly upon this unquestionable point: "They who first separated themselves from the primitive pure Church, and brought in corruptions, in faith, practice, liturgy, and use of Sacraments, may truly be said to have been heretics, by departing from the pure faith; and schismatics, by dividing themselves from the external communion of the true uncorrupted Church<sup>1</sup>."

#### SECOND OBJECT OF SCHISM.—WORSHIP.

A second band of external communion is Public <sup>2.</sup>Worship; in which, separation from the Church is notorious.

But here 'Public Worship' must be understood, only so far, as it is a bond of communion, and no farther; otherwise, there is no breach of communion,

<sup>1</sup> Mr Knott, *Infidelity Unmasked*, c. vii, § 112, p. 534.

though there be difference in worship, and consequently no schism.

This will appear more plainly, if we distinguish of Worship in its essentials or substantials, and its modes, circumstances, rites and ceremonies.

It is well argued by the bishop of Chalcedon<sup>1</sup>, that none may separate from the Catholic Church, (or indeed from any particular) in the essentials or substantial parts of Worship : for these are God's ordinary means of conveying his grace for our salvation ; and by these, the whole Church is knit together, as Christ's visible Body for Divine Worship.

But what are these essentials of Worship ? Surely nothing else but the Divine ordinances, whether moral or positive, as abstracted from all particular modes, not determined in the Word of God. Such as Prayer, the reading the holy Canon, interpreting the same, and the Sacraments : therefore, that Church that worships God in these essentials of Worship, cannot be charged, in this particular, with Schism, or dividing from the Catholic Church.

And as for the modes and particular rites of Worship, until one public Liturgy and Rubric be produced, and proved to be the rule of the Catholic Church, if not imposed by it, there is no such bond of union in the circumstantial Worship in the Catholic Church ; and consequently, no Schism in this respect.

Much less may one particular Church claim from another—*par in parem non habet imperium*—exact

<sup>1</sup> [Cf. Archbp. Bramhall's Replication : Works, Vol. II. p. 37, Ed. 1842.]



communion in all rites and ceremonies, or for want thereof, to cry out presently, Schism, Schism!

Indeed, our Roman adversaries do directly and plainly assert, that about rites and ceremonies the guilt of Schism is not concerned; and that particular Churches may differ from one another therein, without breach of communion.

Though, for a member of a particular Church to forsake the communion of his own Church, in the essentials of Worship, merely out of dislike of some particular innocent rites, seems to deserve a greater censure.

But the Roman recusants in England, have a greater difficulty upon them, to excuse their total<sup>1</sup> separation from us, in the substantials of our worship—at which they can pretend to take no offence; and wherein they held actual communion with us many years together, at the beginning of queen Elizabeth's reign—against the law of cohabitation, observed in the Scripture, where a city and a Church were commensurate; contrary to the order (as one well observes) which the ancient Church took for preserving unity, and excluding Schism; by no means suffering such disobedience or division of the members of any national Church, where that Church did not divide itself from the Catholic. And lastly, contrary to the common right of government, both of our civil and ecclesiastical rulers, and the conscience of laws, both of Church and State.

But their pretence is, obedience to the Pope; which leads us to consider the third great bond of communion—Government.

[<sup>1</sup> See Appendix A.]

## THIRD OBJECT [OF SCHISM].—GOVERNMENT.

Govern-  
ment.

Thirdly, the last bond of ecclesiastical external communion is that of Government; that is, so far as it is lawful in itself, and exerted in its Public Laws.

This government can have no influence from one national Church to another, as such; because so far they are equal—*par in parem*—but must be yielded by all members of particular Churches, whether national, provincial, or truly patriarchal, to their proper governors in all lawful things, juridically required; otherwise, the guilt of Schism is contracted.

But for the government of the Catholic, we cannot find it wholly in any one particular Church, without gross usurpation; as is the plain sense of the ancient Church. Indeed, it is partly found in every Church: it was at first diffused by our Universal Pastor and common Lord into the hands of all the Apostles<sup>1</sup>; and, for ought hath yet appeared, still lies abroad among all the pastors and bishops of particular Churches, under the power, protection, and assistance of civil authority—except when they are collected by just power and legal rules into synods or councils, whether provincial, national, or general. Here, indeed, rests the weight of the controversy; but, I doubt not, it will at last be found to make its way against all contradiction from our adversaries.

In the mean time we do conclude, while we profess and yield all due obedience to our proper pastors,

<sup>1</sup> [See our Lord's language addressed to all the apostles, collectively and individually, John xiv. 16; xvii. 13; xx. 21—23; Matt. xxviii. 18—20.]

bishops and governors, when there are no councils sitting; and to all free councils, wherein we are concerned, lawfully convened; we cannot be justly charged with Schism from the government of the Catholic Church: though we stiffly deny obedience to a foreign jurisdiction, and will not rebel against the government that God hath placed immediately over us.

This fair respect the Church of England holds to the Communion both of the Catholic and all particular Churches, both in Doctrine, Worship and Government: and the main exception against her is, that she denies obedience to a pretended power in the see of Rome; a power not known, as now claimed, to the ancient Church; a power, when once foreseen, warned against as antichristian by a pope<sup>1</sup> himself; and when usurped, condemned by a General Council<sup>2</sup>: and lastly, such a power as those that claim it, are not agreed about among themselves<sup>3</sup>.

But the charge of Schism falls after another sort, upon our Roman adversaries; who have disturbed the Universal, and all particular Churches by manifest violation of all the three bonds of external Communion:—

The Doctrine and Faith—by adding to the Canon of the Scripture, Apocryphal books; by adding to the revealed will of God, groundless Traditions; by

<sup>1</sup> [Infra, c. vi. § 7.]

<sup>2</sup> [Infra, c. xix. § 7.]

<sup>3</sup> [All their theologians maintain that communion with the papal see is necessary, in order to union with the Church: yet the Gallican or Cisalpine party deny the pope's infallibility, and the whole of that power which they call temporal.]



making new Creeds without the consent of the present, and against the doctrine and practice of the ancient Churches.

And as for Worship—how have they not corrupted it? by subtraction, taking away one essential part of a divine ordinance, the Cup from the Laity, &c.; by additions infinite to the material and ceremonial parts of Worship; and by horrid alterations of the pure and primitive Worship, to childish superstitions, and some say, dangerous idolatry.

Lastly, as to Government—they have plainly separated themselves both from the ancient and present Catholic Church, and all other particular Churches; by usurping a dominion, condemned by the ancient, and that cannot be owned, without betraying the liberty of the present Church; by exerting this usurpation in unlawful and unreasonable conditions of communion; and as it is said, by excommunicating for non-obedience to these impositions, not only the Church of England, but three parts of the Christian world.

The proof, on both sides, we are to expect in due place.

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#### SECTION IV.

##### THE CONDITIONS OF SCHISM.—CAUSELESS—VOLUNTARY.

Condition. **T**HE fourth and last thing considerable in the definition, is the *condition*, which adds the guilt and formality of Schism to separation—which is twofold; it must be causeless and voluntary.

(1) It must be voluntary separation, or denial of Voluntary communion. But of this, I shall say nothing; a greater man received a check from his Romish adversaries for the proof of it, saying, ‘Who knows not that every sin is voluntary?’<sup>1</sup>

(2) It must be causeless, or as it is usually expressed, without sufficient cause. It is a rule generally allowed, that the cause makes the Schism—i.e. if the Church give cause of separation, *there* is the Schism; if not, the cause of Schism is in the separatist; and consequently, where the cause is found, there the charge of schism resteth.

I know, it is said, that there cannot be sufficient cause of separation from the true Church; and therefore this condition is needless: but they ever mean by the true Church, the Catholic Church.

It is granted, the Catholic Church cannot be supposed to give such cause; she being the ordinary <sup>2</sup>pillar of Truth, wherein the <sup>3</sup>means of salvation can be only found; therefore we rarely meet with any such condition, in the definitions of Schism, given by the Fathers of the ancient Church; because they had to deal with Schisms of that kind, that separated from the whole Church.

But hence to infer that we cannot have just cause to separate from the Church of Rome, will be found bad logic.

<sup>1</sup> S. W. [i. e. William Sergeant, whose exceptions to Bramhall’s ‘Just Vindication’ are answered by the archbishop in an Appendix to his ‘Replication to the Bishop of Chalcedon.’ He also assailed Dr Hammond, who replied in ‘An Answer to Schism Disarmed’.]

<sup>2</sup> [1 Tim. iii. 15.]

<sup>3</sup> [Acts ii. 47.]

However, if we could grant this condition to be needless, it cannot be denied to be true; and the lawfulness of separation for just cause is an eternal verity; and if the cause be supposed just cannot be said to be unjust, seeing there cannot be supposed a sufficient cause of sin; the act is justified while it is condemned.

Besides it is not questioned by our adversaries, but there may be sufficient cause of separation from a particular Church: then if at last we find, that the Church of Rome is no more, there is more than reason to admit this condition in the present controversy.

But the cause must not be pretended to effect, beyond its influence or sufficiency; therefore none may be allowed to deny communion with a Church farther than he hath cause; for beyond its activity, that which is said to be a cause is no cause.

Hence we admit the distinction of partial and total separation, and that known rule, that we may not totally separate from a true Church, and only so far as we cannot communicate without sin.

The reason is evident, because the truth and very being of a Christian Church implieth something wherein every Christian Church, in the very foundation and being of it, hath an agreement both of union and communion.

Far be it from us, therefore, to deny all kind of communion with any Christian Church; yea we frankly and openly declare, that we still retain communion, out of fraternal charity, with the Church of Rome, so far as she is a true Church; only protesting against



her usurpations, and reforming ourselves from those corruptions of Faith and Worship, of which Rome is too fond, and consequently the more guilty.

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## SECTION V.

### THE APPLICATION OF SCHISM.—NOT TO OUR CHURCH.

**I**F this definition of Schism be not applicable to the Church of England, she is unjustly charged with the guilt of Schism. If the Church of England doth not voluntarily divide in or from the Catholic Church, or any particular Church, either by separation from, or denying communion with it, much less by setting another altar against it without sufficient cause, then the definition of Schism is not applicable to the Church of England.

But she hath not thus divided, whether we respect the *act* or the *cause*.

With respect to the act, viz. Division—we argue, <sup>I.</sup> In the Act. if the Church of England be the same for substance since the Reformation, that it was before, then by the Reformation we have made no such division : for we have divided from no other Church further than we have from our own, as it was before the Reformation, (as our adversaries grant) ; and therefore if we are now the same Church as to substance that we were before, we hold the same communion, for substance or essentials, with every other Church now, that we did before.

But, for substance, we have the same Faith, the

same Worship, the same Government now, that we had before the Reformation, and indeed from our first conversion to Christianity.

Indeed, the modern Romanists have made new essentials in the Christian Religion, and determine their additions to be such:—but so weeds are of the essence of a garden, and botches of the essence of a man.

We have the same Creed to a word, and in the same sense, by which all the primitive Fathers were saved; which they held to be so sufficient, that in a General<sup>1</sup> Council, they did forbid all persons (under pain of deposition to bishops and clerks, and anathematization to lay-men) to compose or obtrude upon any persons converted from Paganism or Judaism [another confession of Faith].

We retain the same Sacraments and discipline; we derive our holy Orders by lineal succession from them. “It is not we who have forsaken the essence of the modern Roman Church by subtraction (or rather reformation), but they of the Church of Rome who have forsaken the essence of the ancient Roman Church by additions,” as a learned man observes<sup>2</sup>.

The plain truth is this, the Church of Rome hath had long and much reverence in the Church of England; and thereby we were by little and little drawn

<sup>1</sup> Concil. Ephes. Act. vi. [apud Labb. Concil. Tom. III. 689, A : Τους δὲ τολμώντας ἢ συντιθέναι πίστιν ἑτέραν, ἥγουν προκομίζειν, ἢ προσφέρειν τοῖς ἐθέλουσιν ἐπιστρέφειν εἰς ἐπίγνωσιν τῆς ἀληθείας, ἢ ἐξ ἑλληνισμοῦ, ἢ ἐξ ἰουδαϊσμοῦ, ἢ ἐξ αἵρέσεως οἰασθηποτοῦν· τούτους εἴ μὲν εἶεν ἐπίσκοποι ἢ κληρικοὶ, ἀλλοτρίους εἶναι τοὺς ἐπισκόπους τῆς ἐπισκοπῆς, καὶ τοὺς κληρικοὺς τοῦ κλήρου· εἰ δὲ λαϊκοὶ εἶεν, ἀναθεματίζεσθαι.]

<sup>2</sup> [Bramhall, Replication to the Bp. of Chalcedon, Vol. II. p. 39.]

along with her into many gross errors and superstitions both in Faith and Worship, and at last had almost lost our liberty in point of Government. But that Church refusing to reform, and proceeding still further to usurp upon us, we threw off the usurpation first, and afterwards very deliberately reformed ourselves from all the corruptions that had been growing upon us, and had almost overgrown both our Faith and Worship. If this be to divide the Church, we are indeed guilty—not else.

But we had ‘no power’ to reform ourselves : here indeed is the main hinge of the controversy. But we have some <sup>1</sup>concessions from our worst and fiercest adversaries, that a national Church hath power of herself to reform abuses in lesser matters, provided she alter nothing in the Faith and Sacraments without the Pope : and we have declared before, that we have made no alteration in the essentials of Religion.

But ‘we brake ourselves off from the papal authority, and divided ourselves from our lawful governors.’ It is confessed the papal authority we do renounce, but not as a lawful power, but a tyrannical usurpation : and if that be proved, where is our Schism ?

But this reminds us of the second thing in the definition of Schism, the Cause : for what interpretation soever be put upon the action, whether reformation or division and separation, it is not material, if it be found we had sufficient cause ; and no doubt we had, if we had reason from the lapsed state and nature of our corruptions to reform ; and if we had

II.  
The cause.

<sup>1</sup> [Cf. Bossuet, *Defensio Decl. Cleri. Gallican*, Lib. III. c. 2.]



sufficient authority without the Pope to reform ourselves. But we had both, as will be evident at last.

Both these we undertake for satisfaction to the Catholic Church ; but in defence of our own Church against the charge of Schism by and from the Church of Rome, one of them, yea, either of them is sufficient.

For if the pretended authority of the Church of Rome over the Church of England be ill grounded, how can our actions fall under their censure ? Especially seeing the great and almost only matter of their censure is plainly our disobedience to that ill grounded authority.

Again, however their claim and title stand or fall, if we have or had cause to deny that communion which the Church of Rome requires, though they have power to accuse us, our cause being good will acquit us from the guilt, and consequently the charge, of Schism.

Here then we must join issue :—we deny the pretended power of the Church of Rome in England, and plead the justness of our own Reformation in all the particulers of it.

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## SECTION VI.

### THE CHARGE AS LAID BY THE ROMANISTS.

**T**HIS will the better appear by the indictment of Schism drawn up against us by our adversaries. I shall receive it as it is expressed by one of the sharpest pens, and in the fullest and closest manner

I have met with, viz. Cardinal Perron against Archbishop Laud, thus<sup>1</sup>—

“Protestants have made this rent or schism by their obstinate and pertinacious maintaining erroneous doctrines, contrary to the faith of Roman or Catholic Church; by their rejecting the authority of their lawful ecclesiastical superiors, both immediate and mediate; by aggregating themselves into a separate body or company of pretended Christians, independent of any pastors at all, that were in lawful and quiet possession of jurisdiction over them; by making themselves pastors and teachers of others, and administering Sacraments without authority given them by any that were lawfully empowered to give it; by instituting new Rites and Ceremonies of their own in matters of Religion, contrary to those anciently received throughout all Christendom; by violently excluding and dispossessing other prelates of and from their respective sees, cures, and benefices; and intruding themselves into their places, in every nation where they could get footing.” A foul charge indeed, and the fouler because in many things false. However, at present we have reason only to observe the foundation of all lies in our disobedience and denying communion with the Church of Rome; all the rest either concerns the grounds, or manner, or consequences of that.

Therefore, if it appear at last that the Church of

<sup>1</sup> [The Editor has not been able to find any treatise corresponding to this description. The Rejoinder of Du Perron to King James's Reply (*Œuvres du Cardinal du Perron*, Tome II. à Paris, 1622) abounds in charges *substantially* the same.]

England is independent on the Church of Rome, and oweth her no such obedience as she requires, the charge of Schism removes from us and recoils upon the Church or court of Rome, from her unjust usurpations and impositions; and that with the aggravation of sedition too in all such, whether prelates or priests, as then refused to acknowledge and obey the just power and laws of this land, or that continue in the same disobedience at this day.

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## SECTION VII.

### THE CHARGE OF SCHISM RETORTED UPON THE ROMANISTS. THE CONTROVERSY TO TWO POINTS.

**I**T is well noted by a learned man, that while the papal authority is under contest, "the question is not barely this, Whether the Church of England be schismatical or no?—for a Romanist may cheaply debate that and keep himself safe, whatsoever becomes of the umpirage—but indifferently and equally, whether we, or the Romanist be thus guilty, or which is the schismatic that lies under all those severe censures of the Scriptures and Fathers<sup>1</sup>," the Church of England, or her revolvers and the court of Rome.

Till they have better answered to the indictment than yet they have done, we do and shall lay the most horrid Schism at the door of the Church or court of Rome; for that they have voluntarily divided the Catholic Church, both in Faith, Worship, and Go-

<sup>1</sup> Dr Hammond [Answer to Schism Disarmed, chap. iii. s. I.; Works, Vol. II. p. 67].

vernment, by their innovations ; and excommunicated and damned not only the Church of England, but (as some account) three parts of the Christian Church, most uncharitably and without all authority or just cause, to the scandal of the whole world.

But we shall lay the charge more particularly, as it is drawn up by Archbishop Bramhall<sup>1</sup>. “The Church of Rome,” saith he, “or rather the Pope and the court of Rome, are causally guilty, both of this Schism, and almost all other Schisms in the Church. First, by seeking to a higher place and power in the body ecclesiastical than of right is due unto them. Secondly, by separating, both by their doctrines and censures, three parts of the Christian world from their Communion, and as much as in them lies, from the Communion of Christ. Thirdly, by rebelling against General Councils. Lastly, by breaking or taking away all the lines of apostolical succession except their own ;” and appropriating all original jurisdiction to themselves. And that which draws sedition and rebellion, as the great aggravation of their Schism, they challenge a temporal power over princes, either directly or indirectly.

Thus their charge against us is disobedience ; our charge against them is usurpation and abuse of power. If we owe no such obedience, or if we have cause not to obey, we are acquitted. If the Pope have both power and reason of his side, we are guilty. If he fail in either, the whole weight of Schism, with all its dreadful consequences, remains upon him or the court of Rome.

<sup>2</sup> [Just Vindication, chap. viii. ; Works, Vol. 1. p. 246 ; ed. 1842.]



## THE CONCLUSION.

THUS we see the controversy is broken into two great points:

(1) Touching the Papal Authority in England.

(2) Touching the cause of our denying Communion, in some things, with the Church of Rome, required by that authority<sup>1</sup>.

Each of these I design to be the matter of a distinct treatise.

The sum  
of this first  
treatise.

This first book therefore is to try the title betwixt the Pope and the Church of England: wherein we shall endeavour impartially to examine all the pleas and evidences, produced and urged by Romanists on their master's behalf, and shew how they are answered. And where there appears greatest weight and stress of argument, we shall be sure to give the greatest diligence; omitting nothing but unconcluding imperinencies, and handling nothing lightly but colours and shadows that will bear no other.

Now to our work.

<sup>1</sup> [This second design of the author does not appear to have been executed. See the list of his works in the 'Introductory Notice.']

## CHAPTER II.

### AN EXAMINATION OF THE PAPAL AUTHORITY IN ENGLAND. FIVE ARGUMENTS PROPOSED, AND BRIEFLY REFLECTED ON.

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THIS is their Goliath, and indeed their whole army : if we rout them here, the day is our own ; and we shall find nothing more to oppose us, but skirmishes of wit, or (when they are at their wits' end) fraud and force,—as I am troubled to observe, their use hath been.

For if the see of Rome hath no just claim or title to govern us, we cannot be obliged to obey it : and consequently these two things stand evident in the light of the whole world. We are no schismatics, though we deny obedience to the see of Rome, seeing it cannot justly challenge it. Secondly, though we were so, yet the see of Rome hath no power to censure us, that hath no power to govern us. And hereafter we shall have occasion further to conclude, that the papal authority—that hath nothing to do with the English Church, and yet rigorously exacts our obedience, and censures us for our disobedience—is highly guilty, both of ambition in its unjust claim, and of tyranny in unjust execution of an usurped power, as well in her commands as censures : which is certainly Schism, and *aliquid amplius*.

They of the Church of Rome do therefore mightily bestir themselves to make good their claim ; without

which they know, they can never hope either to gain us, or secure themselves.

I find five several titles pretended, though methinks the power of that Church should be built but upon one Rock.

1. Conversion.

I. The Pope being the means of our first conversion (as they say) did thereby acquire a right for himself and successors, to govern this Church.

2. Patriarch.

II. England belongs to the Western Patriarchate; and the Pope is the Patriarch of the West (as they would have it).

3. Prescription.

III. Others found his right in Prescription and long continued possession before the Reformation.

4. Infallibility.

IV. Others flee much higher, and derive this power of Government from the infallibility of the Governor; and indeed who would not be led by an unerring guide?

5. Succession.

V. But their strong hold, to which at last resort is still made, is the Pope's universal Pastorship, as successor to St Peter and supreme Governor not of Rome and England only, but of the whole Christian world.

Before we enter upon trial of these severally, we shall briefly note, that where there are many titles pretended, right is justly suspected, especially if the pretences be inconsistent.

(1) Now, how can the Pope, as the Western Patriarch, or as our first Converter, pretend to be our Governor; and yet at the same time pretend himself to be universal Bishop? These some of our subtlest adversaries know to imply a contradiction, and to destroy one another.

(2) At first sight therefore, there is a necessity on those that assert the universal Pastorship, to waive the arguments, either from the right of conversion, or the Western Patriarchate: or if any of them will be so bold as to insist on these, he may not think the chair of St Peter shall be his sanctuary at a dead lift.

(3) Also for Possession, what need that be pleaded, if the right be evident? Possession of a part if the right be universal;—unless by England the Pope took livery and seizin for the whole world. Besides, if this be a good plea, it is as good for us,—we have it and have had it time out of mind; if ours have not been quiet, so neither was theirs before the Reformation.

(4) For Infallibility—that is but a qualification, no commission: fitness sure gives no authority; nor desert a title, and that by their own law. Otherwise they must acknowledge the Bishops of our Church, that are known to be as learned and holy as theirs, are as good and lawful Bishops, as any the Church of Rome hath.

Thus we see where the burthen will rest at last; and that the Romanists are forced into one only hold. One great thing concerns them to make sure, or all is lost. The whole controversy is tied to St Peter's chair; the supremacy of the Pope must be maintained, or the Roman and Catholic are severed, as much as the Church of England and the Church of Rome; and a great breach is made indeed, but we are not found the schismatics.

But this is beside my task. Lest we should seem to endeavour an escape at any breach, all the said



five pleas of the Romanists shall be particularly examined, and the main arguments and answers on both sides faithfully, and exactly as I can, produced ; and where the controversy sticks, and how it stands at this day, noted ; as before we promised.

## CHAPTER III.

### OF THE POPE'S CLAIM TO ENGLAND FROM OUR CONVERSION—ELEUTHERIUS—GREGORY.

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THIS argument is not pressed with much confidence in print, though with very much in discourse, to my own knowledge. Perhaps it is rather popular and plausible than invincible.

Besides, it stands in bar against the right of St Peter, which they say was good, near six hundred years before; and extends to very many Churches, that received grace neither by the means of St Peter or his pretender successor:—except they plead a right to the whole Church first, and to a part afterwards; or one kind of right to the whole, and another to a part.

The truth is, if any learned Romanist shall insist on this argument in earnest, he is strongly suspected, either to deny or question the right of St Peter's successor, as universal Pastor<sup>1</sup>.

But we leave these advantages, to give the argument its full liberty; and we shall soon see either its arms or its heels.

The argument must run thus: *If the Bishop of Rome was the means of the English Church's conversion,*

<sup>1</sup> [The plea of conversion has been revived in our own time by writers in the 'Dublin Review.' For a refutation of their arguments see Mr Palmer's 'Apostolical Jurisdiction and Succession of the Episcopacy in the British Churches,' sect. xiii.]

*then the English Church oweth obedience to him and his successors.*

We deny both propositions—the minor, that the Pope was the means of our first conversion; and the consequence of the major, that if he had been so, it would not follow that we now owe obedience to that see.

For the minor, Bishop Jewel knocked it down so perfectly at first, it was never able to stand since: he saith, “It is certain the Church<sup>1</sup> of Britain now called England, received not first the faith from Rome<sup>2</sup>.”

The Romanist’s proof is his bare assertion, ‘that Eleutherius the Pope was the first Apostle of the Britains, and preached the Faith here by Damianus and Fugatius within little more than one hundred years after Christ’s death.’ Bishop Jewel answers<sup>3</sup>, ‘that king

<sup>1</sup> [In a side-note, Fullwood makes the following addition: “We were converted nine years before Rome. Baron. ad an. 35, n. 5 et marg. et ad an. 39, n. 23: et Suarez, adv. Angl. Sect. Error. Lib. I. c. i.”—Both these writers ascribe the foundation of the British Church to Joseph of Arimathæa; and Baronius places the event in the year 35. The Church of Rome, according to the same authority, was founded A.D. 45. A passage in the History of Gildas (c. vi. apud Scriptores xv.) asserts that the Gospel was introduced into Britain “tempore summo Tiberii Cæsaris.”]

<sup>2</sup> [Defence of the Apology, p. 12: ed. 1570.]

<sup>3</sup> [Ibid. The various accounts respecting the conversion of Britain may be seen in Spelman, Concil. Tom. I. ‘Apparatus.’ Parker, Camden, Ussher, Stillingfleet, Cave, and Godwin ascribe the foundation of the British Church to St Paul, in the interval between his first and second imprisonment. Mr Williams (‘Ecclesiastical Antiquities of the Cymry,’ pp. 51, et seqq.) has recently advocated the view that Christianity was introduced, about A.D. 58, by Bran, father of Caradog (or Caraetacus), who was detained at Rome seven years as hostage for his son ]

Lucius was baptized well near one hundred and fifty years before the Emperor Constantine; and the same Constantine, the first christened emperor, was born in this island: and the Faith had been planted here long before, either by Joseph of Arimathea, or Simon Zelotes, or the Greeks, or some others;’ which is plain, because the king, being Christian before, requested Pope Eleutherius to send hither those persons, Damianus and Fugatius, to reform the bishops and elergy which were here before; and to put things into better order<sup>1</sup>.

They also urged, that ‘as Pope Eleutherius in Britain, so Saint Gregory, in England, first planted the Faith by Austin.’

But Bishop Jewel at first dashed this argument out of countenance; plainly proving out of Tertullian, Origen, Athanasius, Constantinus the emperor, Chrysostom, Theodoret, that the Faith was planted in England long before Austin’s coming hither<sup>2</sup>.

A.D. 210.  
A.D. 212.  
A.D. 334.  
A.D. 360.  
A.D. 400.  
A.D. 367.

Some would reply, that ‘the Faith was utterly rooted out again upon the invasion of heathen English.’ It was not so, saith he, “for Beda saith the queen of England was then christened; and that

<sup>1</sup> [There is now extant no copy of the letter which king Lucius is said to have sent to Eleutherius. Bede’s mention of the circumstance is as follows: “Misit ad eum Lucius Brittaniarum rex epistolam, obsecrans ut per ejus mandatum Christianus efficeretur.” Hist. Eccl. Lib. I. c. IV. According to Bp Pearson (Minor Theological works, Vol. II. p. 409) this notice is transcribed from the ‘Liber Pontificalis.’ The whole transaction is much amplified by Matthew of Westminster, ad an. 185.—On the reply attributed to Eleutherius, see the ‘Animadversiones’ in Spelman, Concil. Tom. I. pp. 35, 36.]

<sup>2</sup> See his Defence of his Apology, p. 13.



there were then in this realm seven bishops, and one archbishop, with other more great learned Christian men<sup>1</sup>." And Galfridus saith, "There were then in England seven bishopries, and one archbishopric, possessed with very many godly prelates, and many abbeys in which the Lord's flock held the right religion<sup>2</sup>."

Yet we gratefully acknowledge that Saint Gregory was a special instrument of God for the further spreading and establishing the Gospel in England; and that both Eleutherius and this Gregory seem to have been very good men, and great examples both of piety and charity to all their successors in that see; and indeed of a truly apostolical spirit and care, though not of authority:—but if all history deceive us not, that Austin the monk was far enough from being Saint Augustine.

The Con-  
sequence.

But what if it had been otherwise, and we were indeed first converted by the means of these popes; will it therefore follow, that we ought ever to be subject to the papacy? This is certainly a *non-sequitur*, only fit to be imposed upon easy and prepared understandings: it can never bear the stress and brunt of a severe disputation; and indeed the Roman adversaries do more than seem to acknowledge as much.

However, the great Archbishop and Primate of Armagh hath slurred that silly consequence with such arguments as find no answer. I refer the reader, if need be, to his *Just Vindication*<sup>3</sup>, pp. 131, 132. Where

<sup>1</sup> [Defence of the Apology, p. 14.]

<sup>2</sup> [Lib. viii. c. 4, quoted by Bp Jewel, ubi supra.]

<sup>3</sup> [Vol. i. p. 266; ed. 1842.]

he hath proved beyond dispute that Conversion gives no title of jurisdiction; and more especially to the prejudice of a former owner dispossessed by violence, or to the subjecting of a free nation to a foreign prelate without or beyond their own consent.

Besides, in more probability, the Britains were first converted by the Eastern<sup>1</sup> Church (as appeared by our ancient customs); yet never were subject to any Eastern patriarch. And sundry of our English and British Bishops have converted<sup>2</sup> foreign nations, yet never pretended thence to any jurisdiction over them.

Lastly, whatever title Saint Gregory might acquire by his deserts from us, [it] was merely personal, and could not descend to his successors.

But no more of this, for fear of the scoffing rebukes of such as S. W., who together with the 'Catholic Gentleman,' do plainly renounce this plea: asking Doctor Hammond<sup>3</sup> with some shew of scorn, 'What Catholic author ever affirmed it'? There is no doubt—though some other Romanists have insisted upon this argument of Conversion—some reason why these should think fit to lay it aside; and we have no reason to keep it up, having otherwise work enough upon our hands.

An end therefore of this first plea.

<sup>1</sup> [Cf. Twysden's *Historical Vindication*, p. 9.]

<sup>2</sup> [See Dr Grant's *Missions to the Heathen*, pp. 109—111.]

<sup>3</sup> [Hammond's *Answer to 'Schism Disarmed'*, chap. v. sect. i.; Works, Vol. II. p. 102; ed. 1684.]

## CHAPTER IV.

### OF THE POPE'S SUPPOSED CLAIM AS PATRIARCH.

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THIS point admits likewise of a quick dispatch, by four propositions; and the rather, for a reason you will find in the close of our discourse upon the last of them.

#### PROP. I.

Pope a  
Patriarch.

*The Pope was anciently reputed the Western Patriarch.*

To this dignity he proceeded by degrees. The Apostles left no rule for a foreign jurisdiction from one nation to another: but, according to the 33rd Canon of the Apostles (if they were indeed theirs), 'it behoved the Bishops of every nation to know him, who is their first (or primate), and to esteem him as their head<sup>1</sup>.'

The adventitious grandeur which the ancient Patriarchs afterwards obtained, is judged to arise three ways; by the Canons of the Fathers, the edicts of Princes, or ancient Custom.

Upon the last ground (viz. of Custom,) the Council of Nice<sup>2</sup> settled the privileges of those three famous

<sup>1</sup> [Al. Can. XXXV. Τοὺς ἐπισκόπους ἐκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλὴν, κ. τ. λ. Apud Coteler. Patres Apost. Tom. I. p. 442, ed. Antverp 1698.]

<sup>2</sup> [Can. VI. Τὰ ἀρχαῖα ἔθνη κρατεῖτω, τὰ ἐν Αἰγύπτῳ καὶ Λιβύῃ καὶ

patriarchal sees, Rome, Alexandria, and Antioch, saying, "Let ancient Customs prevail"; which customs proceeded from the honour such Churches had, as being founded by the Apostles, if not rather from the eminency of the cities: therefore the Council of Chalcedon<sup>1</sup> gives this as a reason of the greatness of the sees of Rome and Constantinople, 'because they were the seats of the Emperors.'

## PROP. II.

*The Pope, as Patriarch, had but a limited Jurisdiction.* Limited jurisdiction.

(1) A Patriarchate, as such, is limited; especially, if the title restrain it to the West: for East, North, and South, are not the West, in the same respect.

(2) It is further evident, from the first number of Patriarchs; for, if there were more than one of the same dignity and jurisdiction, they must be therefore limited: for a Patriarch, as such, could have no jurisdiction over a Patriarch, as such; for so they were equal; *et par in parem non habet imperium*.

(3) But indeed, the first time we hear of three, and then of five Patriarchs at once, viz. of Rome, Constantinople, Alexandria, Antioch, and Jerusalem; and that these had all their jurisdictions limited to

Five Patriarchs.

Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν. ἐπειδὴ καὶ τῷ ἐν τῇ Ῥώμῃ ἐπισκόπῳ τοῦτο σύνηθές ἐστιν, κ. τ. λ. See Routh's Opuscula, Vol. I. p. 374, and note, p. 404.]

<sup>1</sup> [Can. XXVIII. Καὶ γὰρ τῷ θρόνῳ τῆς πρεσβυτέρας Ῥώμης, διὰ τὸ βασιλεύειν τὴν πόλιν ἐκείνην οἱ πατέρες εἰκότως ἀποδεδώκασι τὰ πρεσβεῖα· καὶ τῷ αὐτῷ σκοπῷ κινούμενοι οἱ ἑκατὸν πενήτηκοντα θεοφιλέστατοι ἐπίσκοποι, τὰ ἴσα πρεσβεῖα ἀπένειμαν τῷ τῆς νέας Ῥώμης ἀγιοτάτῳ θρόνῳ, κ. τ. λ. Apud Routh. Opuscula, Vol. II. p. 69.]



them, and no one of them had any thing like a universal monarchy,—is evident both from canons and history, and also by this undeniable observation; that several parts of the world had their own primates independent, and exempt from all these, in the height of their power: as Africk at Carthage; the rest of Italy at Milan; France at Arles, or Lyons; Germany at Vienna; and Britain also had the same privilege<sup>1</sup>.

(4) The sixth Canon of the Council of Nice saith thus expressly: “Let ancient Customs prevail; according to which, let the Bishop of Alexandria have power over them of Egypt, Lybia, and Pentapolis; because this was likewise the Custom for the Bishop of Rome; and accordingly, in Antioch, and other provinces, let the privileges be preserved to the Churches<sup>2</sup>.”

The occasion of this Canon is said to be this<sup>3</sup>: Meletius, a Bishop of Egypt, ordained Bishops and others in Egypt, without the consent of the Bishop of Alexandria. The case heard in the Council, they pronounce such ordinations null, depose Meletius, and by this Canon—the more venerable because the first in such cases—confirm the ancient Customs of that, and all other Churches.

Objection.

The Romanists object, ‘the Council did not assign any limits to those jurisdictions.’

<sup>1</sup> [Before the institution of Patriarchs *all* Metropolitans were *αὐτοκέφαλοι*. Some retained this independence for a long time, admitting no earthly superiors except a General Council. That the British Archbishop of Caerleon was in this number, is shewn by Bingham, *Antiquities*, Book II. c. xviii. s. 2.]

<sup>2</sup> [Vid. *supra*, p. 34, note 2.]

<sup>3</sup> [See the particulars in Fleury, *Histoire Eccles.* Liv. XI. s. 15.]

But it is fully answered, that the Council supposed Answer.  
such limits, and proceed upon that supposition, to  
allow of them, and to enjoin the observation of them;  
and that is so much the more than a present limita-  
tion, as it is a proof of the greater antiquity of such  
limitation.

Sure Bellarmine was hard put to it, when the Objection.  
words ‘because the Roman Bishop hath so accus-  
tomed,’ must be forced to speak against all sense  
of words, and scope of the matter: thus, “that is,”  
saith he, “the Roman Bishop hath so accustomed to  
let the Alexandrian Bishop govern them<sup>1</sup>.”

The occasion of the Canon we had before; the Answer.  
words themselves are these, *Ἐπειδὴ καὶ τῷ ἐν τῇ Ῥώμῃ  
ἐπισκόπῳ τοῦτο συνηθές ἐστιν.* Who but Bellarmine  
seeth not that *τοῦτο συνηθές* imports a like Custom  
in the Church of Rome, as the excellent and learned  
Doctor Stillingfleet<sup>2</sup> observes? The Bishop of Rome  
had such jurisdiction over the Churches under him;  
and therefore ought the Bishop of Alexandria over  
the Churches under him: upon this consideration the  
Council concludes, that so it should be<sup>3</sup>.

<sup>1</sup> [Do Romano Pontifice, Lib. II. c. xiii.; in Disputat. Tom. I. p. 165, G; ed. Colon. 1628.]

<sup>2</sup> [Stillingfleet's Rational Account, Vol. II. p. 168; ed. Oxf. 1844.]

<sup>3</sup> [The following extract will shew the view taken of this Canon by Nilus, Archbishop of Thessalonica, in the fourteenth century: *Εἰ δέ τις κατέχων τὰ αὐτοῦ καὶ τὰς ἐτέρων παροικίας ἀδίκῳς ὀφθαλμοῖς ὁρᾷ, τοῦτον οὐκ ἔστι μὴ καταλύειν τὰ ἀρχαῖα τῶν πατέρων ἔθῃ. ἀλλ' ὁ κανὼν οὐ τοῦτο βούλεται, ἀλλὰ, τὰ ἀρχαῖα, φησὶν, ἔθῃ κρατεῖτω. οὐ μὲν ἀλλὰ, εἰ μὲν τὰ κλίματα τῆς γῆς ἐκάστῳ τῶν καθολικῶν ἐπισκόπων διανενημεμένα, ὀρισμένως οὐδὲν ὑπὸ τὸν τῆς Ῥώμης θρόνον κατέστη, ἀλλὰ μόνον αὐτὸν τὴν ἀρχὴν εἰληφέναι ἔλεγεν ὁ κανὼν, εἰκὸς ἦν δῆπου*

If it be replied, ‘The Pope had limits as a Metropolitan, but not as Head of the Church’; this grants the thing in present question; that, as a Patriarch, the Pope’s jurisdiction was limited. What power he had as Head of the Church, shall be examined in its due place.

What power the Pope had anciently in confirming, deposing and restoring Patriarchs, will hardly be found so ancient as the Council of Ephesus; and indeed was challenged by him, not as a private Patriarch, but as Head of the Church: and therefore is to be considered under that head also.

### PROP. III.

*The ancient Patriarchate of Rome did not include Britain.*

But, according to Ruffinus<sup>1</sup>, (a Roman, who lived not long after the Council of Nice) it was limited to the ‘suburbicary’ Cities; i.e. a part of Italy, and their islands, Sicily, Sardinia, and Corsica: much less did it ever pretend to Britain, either by custom, canon, or edict of any of our Princes.

λογίζεσθαι πᾶσαν τὴν οἰκουμένην ὑπ’ αὐτὸν εἶναι, καὶ τοὺς καθολικοὺς ἐπισκόπους τὰ κείνου διοικεῖν ὥσπερ τὰ τοῦ Κωνσταντινουπόλεως οἱ ὑπ’ αὐτὸν ἱεράρχαι. εἰ δ’ ἐκείνο μὲν ἀπεκληρώθη τῷ Ῥώμης, ἐκείνο δὲ τῷ Ἀλεξανδρείας, τοῦτο δὲ τῆς Κωνσταντίνου, οὐ μᾶλλον γε ὁ Ῥώμης ὑπ’ ἐκείνους, ἢ ἐκείνοι ὑπὸ τῆς Ῥώμης, ὅσα γε εἰς τοῦτο τελέσουσιν. De Primatu Papæ Rom. Lib. II. p. 38, ed. Salmas. Heidelberg. 1608.]

<sup>1</sup> [Hist. Eccl. Lib. I. c. 6. His version of the Nicene Canon is as follows: “Apud Alexandriam et in urbe Roma vetusta consuetudo servetur, ut illo Ægypti, hic suburbicariarum ecclesiarum sollicitudinem gerat.” That the suburbicary churches are correctly determined in the text is proved by Bingham, Antiquities, Book XI. chap. i. s. 9. Cf. also Fleury, Hist. Eccles. Liv. xxxv. s. 19.]

Consequently, we say, the papal power over us was an after-encroachment and usurpation, and a plain violation of the General Council of Ephesus.

Our argument is this: The General Council of Ephesus declare, 'that no Bishop should occupy any province, which before that Council, and from the beginning had not been under the jurisdiction of him or his predecessors; and that if any Patriarch usurped any jurisdiction over a free province, he should quit it; for so it pleased the holy Synod, that every province should enjoy its ancient rites, pure and inviolate'<sup>1</sup>.

But it is evident, the Bishop of Rome had no power in Britain from the beginning; nor yet before that General Council; nor for the first six hundred years after Christ (as will appear when we speak of the next claim, viz. possession).

Now, if the Pope had no patriarchal power in Britain before the six hundredth year of Christ, he could not well have any since; for Pope Boniface<sup>2</sup>, three years after Saint Gregory's death, disclaimed

<sup>1</sup> [Concil. Ephes. Act. vii. This decree was made at the petition of Regius, bishop of Constantia, in Cyprus, who complained of encroachments on his own rights made by the patriarch of Antioch. Vid. Concil. ed. Labb. Tom. iii. 802.]

<sup>2</sup> [i. e. Boniface III., who was ordained Bishop of Rome, A.D. 606. He assumed the title of 'Universal Bishop,' claiming thereby universal jurisdiction. In this sense the title had been condemned by Gregory the Great, as blasphemous and antichristian. Vid. Gregor. Magni Epist. Lib. vi. ep. xxx. Lib. iv. Indict. xiii. ep. xxxii.; ed. Antverp. 1615. However, in the sense of *a Bishop of the Universal Church*, the title 'Œcumenical' was in use long before the time of John of Constantinople. For instances of its application to the Patriarch of that diocese, see Bingham, Book ii. c. xvii. s. 21.]



this power, by assuring an higher title : so that had we been willing to admit him our Patriarch, contrary to what Augustine found, time had been wanting to settle his power, as such, in England.

From the whole, we conclude, either the Pope is none of our Patriarch ; or if such, he stands guilty of contempt of a General Council, and hath done so many hundred years ; i.e. he is no Patriarch at all, or a schismatical one.

#### PROP. IV.

*To be a Patriarch and Universal Bishop, in the sense of the Romanist, is inconsistent.*

Therefore the Pope must let fall his claim as a Patriarch, if he pretend to be Universal Bishop. Thus the great Archbishop Bramhall reasons wisely and strongly ; but S. W. gives no answer to it, only that he argues “ weakly and sillily<sup>1</sup>.”

The Lord Primate proves the inconsistency by arguments not yet answered. The Patriarch (saith he) “ professeth human”, the Universal Pastor “ challengeth Divine institution : the one hath a limited jurisdiction over a certain province ; the other pretendeth to an universal jurisdiction over the whole world : the one is subject to the canons of the Fathers, and a mere executor of them, and can do nothing either against, or besides them ; the other challengeth an absolute sovereignty above the canons, [besides the canons, against the canons] to make them, to abro-

<sup>1</sup> [A Reply to S. W. (i. e. William Sergeant's) Refutation : Works, Vol. II. pp. 332, 333.]

gate them, to suspend their influence by a *non-obstante*, at his own pleasure, when he will, where he will, to whom he will<sup>1</sup>.”

Therefore the claim of this absolute power disclaimeth the limited; and the donation and acceptance of a limited power convinceth that there was no such absolute power before: had the Pope been unlimited before, by Divine donation, who can imagine that he would ever have taken *gradum Simeonis* in this sense, by stooping so low to receive from the hand of man the narrower dignity of a Patriarch?

Besides, it is fully proved by Doctor Hammond, in his book of Schism<sup>2</sup>, beyond all the little exceptions of the Romanists (as more at large hereafter), that the see of a Patriarch is disposable by the civil power: and therefore, whatever power the Pope may be thought to have had heretofore in Britain, is now lawfully otherwise disposed of by the kings of England; as well as evidently rejected by the usurpation of an higher, and an higher kind of title, inconsistent with it; and justly forfeited many other ways, as will appear hereafter.

Patriarchs  
subject to  
Civil  
Power.

But though our adversaries would seem to say something in favour of this title, they dare not stand to it; as indeed it is not convenient they should, if they would save their head whole. Therefore, after much ado to very little purpose, S. W.<sup>3</sup> concludes against Doctor Hammond thus. “Besides,” saith he,

<sup>1</sup> [A Reply to S. W. (i.e. William Sergeant's) Refutation: Works, Vol. II. p. 333.]

<sup>2</sup> [Works, Vol. I. pp. 520, 521, ed. 1684.]

<sup>3</sup> Schism Disarmed, p. 151, [ed. Paris. 1655.]

“were all this granted, what is it to your or our purpose? Since we accuse you not of Schism, for breaking from the Pope’s subjection, as a private Patriarch, but as the chief Pastor and the Head of the Church.”

So there is an end of their Second Plea.

## CHAPTER V.

### THE THIRD PAPAL CLAIM, VIZ. PRESCRIPTION, OR LONG POSSESSION. CASE STATED— THEIR PLEA—OUR ANSWER IN THREE PROPOSITIONS.

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**T**HE true state of the case here is this: It cannot Case stated. be denied but the Church of England was heedlessly and gradually drawn into communion with the Roman Church in her additions, superinduced upon the ancient faith and worship; and likewise into some degrees of subjection to Papal jurisdiction. And in this condition we had continued for some considerable time, before king Henry the Eighth; and that bold king (upon what motives is not here material) with the consent of his three estates in Parliament, both Houses of the Convocation, and both the Universities of the land, threw off the Roman yoke, as a manifest usurpation, and a very grievous oppression; and recovered the people and Church of England to their ancient liberties of being governed by their own domestic rulers. Afterwards, in the reigns of Edward the Sixth, and queen Elizabeth, and by their proper authority, we reformed ourselves by throwing off the Roman additions to our faith and worship.

Had we gone about a Reformation while we acknowledged subjection to the see of Rome, or indeed before we had renounced it, there had been more colour to charge us with Schism and disobedience: but now the proper question is, first whether the state of



England did then justly reject the jurisdiction of the Pope in England ; and only consequently, whether we did afterwards lawfully reform without him. The cause of our Reformation belongs to another argument, which we shall meet hereafter<sup>1</sup>.

Plea.

The Papal plea here is:—the Pope's authority was established here by long possession, and therefore if nothing else could be pleaded for it, Prescription was a good title : and therefore it was injurious and schismatical, first to dispossess him, and then to go about to reform without him.

Our answer is home and plain, in these three Propositions.

Answer.

(1) *The Church of England was never actually under the Pope's jurisdiction, so absolutely as is pretended.*

(2) *The possession, which it had obtained here, was not sufficient to create the Pope a good title.*

(3) *Or if it were, yet that title ceased when he lost his possession.*

<sup>1</sup> [See above, p. 24, note 1.]

## CHAPTER VI.

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### PROP. I.

*The Papacy had no power here, for the first six hundred years.—St Augustine—Dionoth.*

THE first Proposition is this, That the Church of England was not actually under the Papal jurisdiction so absolutely as is pretended; that is, neither primarily nor plenarily.

First, not primarily, in that we were free from the Papal power for the first six hundred years. I. Not primarily.

This is confirmed beyond all exception, by the entertainment Augustine found among the sturdy Britains, when he came to obtrude that jurisdiction upon them. Whence it is evident, that at that time, which was near six hundred years after Christ, the Pope had neither actual possession of government over, nor of the belief of the Britains, that he ought to have it. In Fact, or Belief.

The good Abbot of Bangor, when pressed to submit to the Roman Bishop, answered<sup>1</sup> in the name of the Britains: 'That he knew no obedience due to him, whom they called the Pope, but the obedience of love;' and adds those full peremptory exclusive words, that 'under God, they were to be governed by the Bishop of Caerleon.' Which the Lord Primate Bramhall saith<sup>2</sup>, is 'a full demonstrative convincing

<sup>1</sup> Vid. Spelman, Concil. A. D. 601, [Tom. i. pp. 108, 109].

<sup>2</sup> Just Vindication, p. 84 [Vol. i. pp. 162, 163; new edit.]

proof,' for the whole time, viz. the first six hundred years.

But it is added, "That which follows strikes the question dead,—Augustine, St Gregory's legate, proposing three things to the Britains :

First, That they should submit to the Roman Bishop. Secondly, that they should conform to the customs of the Roman province. And lastly, that they should join with him in preaching to the Saxons"—

Hereupon, the British clergy assembled themselves together, Bishops and Priests, in two several synods one after another; and upon mature deliberation, they rejected all his propositions synodically, and refused flatly and unanimously to have any thing to do with him on those terms: insomuch as Augustine was necessitated to return over sea to obtain his own consecration; and after his return hither, to consecrate the Saxon Bishops alone, without the assistance of any other Bishop. They refused indeed to their own cost: twelve hundred innocent monks of Bangor shortly after lost their lives for it. The foundation of the Papacy here was thus laid in blood<sup>2</sup>.

Objection.

It is objected, that the story of the Abbot of Bangor is taken by Sir H. Spelman out of an old Welsh author of suspected credit; but all objections to that

<sup>1</sup> [Bramhall, ubi supra; cf. Bed. Hist. Eccl. Lib. II. c. 2.]

<sup>2</sup> [Vid. Bed. Hist. Eccl. Lib. II. c. 2; where he relates the circumstances connected with the massacre. A clause is added to the effect that Augustine was not then living: but from its omission in the Anglo-Saxon version some have supposed it an interpolation. Turner (Hist. of the Anglo-Saxons, Vol. I. p. 330) places the massacre in A.D. 607 or 612, and the death of Augustine in 605. Cf. Soames's Anglo-Saxon Church, pp. 58, 59.]

purpose are removed by my Lord Primate, and Dr Hammond<sup>1</sup>. Besides, we have other authority sufficient for it, and beyond contradiction.

The story in Bede<sup>2</sup> himself, as vouched by H. T. himself against Dr Hammond, puts it beyond all doubt, that the Abbot and Monks opposed Austin, and would not subject themselves to the Pope of Rome, but referred themselves only to their own governors,—which is also the general result of other authors' account of this matter; and if the matter of fact be established, it is enough to disprove the Pope's possession at that time: whether they did well or ill is not now considered.

Balæus, speaking of that convention<sup>3</sup>, saith, 'Dionoth disputed against the authority of Rome; and defended stoutly (*fortiter*) the jurisdiction of St David's in the affairs of his own Churches.'

The same is observed by Geoffrey of Monmouth, and Sigebert and others<sup>4</sup>, for which Dr Hammond refers us to the Collection of the Anglican Councils<sup>5</sup>, and Mr Wheloc's Notes on the Saxon Bede<sup>6</sup>.

And indeed the author of the Appendix<sup>7</sup> written on purpose to weaken this great instance, confesseth

<sup>1</sup> [Bramhall's 'Reply to S. W.'s Refutation,' Works, Vol. II. pp. 302, et seqq. 'Schism Guarded,' Vol. II. pp. 504, et seqq. Hammond's 'Account of H. T. [i.e. Henry Turbervill] his Appendix to his Manual of Controversies, concerning the Abbot of Bangor's Answer to Augustine;' Works, Vol. II. pp. 55—60.]

<sup>2</sup> Hist. Eccl. Lib. II. c. 2.

<sup>3</sup> In Dinot. [Cent. I. § 70].

<sup>4</sup> [See Hammond's 'Account of H. T.'s Appendix,' &c.: Works, Vol. II. p. 58.]

<sup>5</sup> [Cf. Spelman, Tom. I. p. 92.]

<sup>6</sup> p. 115.

<sup>7</sup> [In Hammond's Account, ubi supra.]



as much, when he concludes Austin in the right from the miracles and Divine vengeance upon the refusers, continuing still refractory to his proposals.

Of the right of the cause we now dispute not; and he acknowledgeth, that Augustine had not possession,—the thing we contend for. However this instance being of great moment in the whole controversy, let us briefly examine what H. T. hath said against it.

Objection  
1.

H. T. questions the authority of the Welsh MS.<sup>1</sup>

Answer.

But the account there is so perfectly agreeable to the general account given by others (most competent witnesses), and even Bede himself, that as we have no necessity to insist much upon it, so they have no reason at all to question it. Besides, if the reader would more fully satisfy himself, he may see all the exceptions against this MS. at large answered by Dr Hammond and the Archbishop Bramhall<sup>2</sup>.

Objection  
2.

But Bede concludes, that the Britains ought to have yielded in the points specified, from the miracle wrought by Augustine upon the blind man; and from that Divine vengeance prophetically foretold by Augustine.

Answers.

(1) We now know what tricks are used to counterfeit miracles in the sight of simple people.

(2) We know not but that miracle might be said, but never done, as many in the Legends are: and Bede might report, from very slight tradition, a thing tending to the confirming his own cause.

<sup>1</sup> [Hammond's Account, ubi supra; where may be also seen the objections which follow.]

<sup>2</sup> [See references. p. 47, note 1.]

(3) By Bede's own confession, the miracle did prevail with the Britains to acknowledge, that the way of righteousness Augustine preached was the true; yet they added, that they could not renounce their ancient customs without the consent and licence of their own superiors: i.e. they thought the miracle confirmed his doctrine, but not the Pope's authority over them: and therefore, lastly, at their second meeting, they deemed his pride a stronger argument against him than his miracle for him.

And for that latter argument from the slaughter, *Answer.* first threatened and then fulfilled,—

Sure it was no strange thing, that a proud man (as Augustine appeared to be) should threaten revenge; and a bloody minded man, to endeavour to execute it, as is evident he did.

Neither is it like a great miracle, that a vast army should first overcome unarmed monks; and then proceed victoriously against other opposers.

Yet the latter part of the story quite spoils the miracle, or the argument from it: for when Ethelfred, in the heat of his rage and victory, proceeded to destroy the remainder of those monks, the avenger of blood met him<sup>1</sup>: the British forces routed his army, and killed ten thousand and sixty of them.

But the conclusion for my present turn stands firm however; that, notwithstanding these pretensions of miracles, the British rejected the papacy, and adhered to their proper governors,—i. e. the Pope then had not the possession of them.

<sup>1</sup> [He was defeated by Redwald, king of East Anglia, A.D. 617. Turner's Hist. of the Anglo-Saxons, Vol. I. p. 349.]

I shall conclude here with that smart reply of Archbishop Bramhall to S. W. "To demonstrate evidently to him how vain all his trifling is against the testimony of Dionothus, why doth he not answer the corroboratory proof, which I brought out of Venerable Bede and others, of two British Synods, held at the same time,—wherein all the British clergy did renounce all obedience to the Bishop of Rome, of which all our historiographers do bear witness? Why doth he not answer this, but pass it by in so great silence? He might as well accuse this of forgery as the other; since it is so well attested, that Dionothus was a great actor and disputer in that business<sup>1</sup>."

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## SECTION I.

THAT NO ONE PART OF PAPAL JURISDICTION WAS  
EXERCISED HERE, FOR THE FIRST SIX HUNDRED  
YEARS—NOT ORDINATION—ST TELAUS, &c.

—TILL 1100 YEARS AFTER CHRIST—

NOR ANY OTHER.

Not ple-  
narily.

IF we consider the Pope's jurisdiction in its particular acts, we find not so much as any one exercised or acknowledged here, during the space of the first six hundred years; but, as far as history gives us any account thereof, all acts of jurisdiction were performed by our own governors.

First, had the Pope had any jurisdiction here at all, it would doubtless have appeared in the Ordination or Consecration of our Bishops. '*Ordinationis Jus cætera Jura sequuntur*' is a known rule in law: but it is

<sup>1</sup> [Works, Vol. II. pp. 304, 305.]

evident that our own Primates were independent themselves, and ordained new Bishops, and created new Bishoprics, without licence first obtained from, or giving any account thereof to the Pope. Saint Telaus consecrated and ordained Bishops, as he thought fit: 'he made one Hismael Bishop of Saint David's'; and "in like manner advanced many others of the same order to the same degree, sending them throughout the country, and dividing the parishes for the best accommodation of the clergy and of the people<sup>1</sup>."

Not Ordination.

But were not our Primates themselves nominated or elected by the Pope, and consecrated by him, or had licence from him?

Answer.

The contrary is manifest enough: all our British Archbishops and Primates were nominated and elected by our Princes with Synods, and ordained by their own suffragans at home; as Dubritius, Saint David, Sampson, &c. not only in the reigns of Aurelius Ambrosius, and king Arthur, but even until the time of Henry the First, after the eleven hundredth year of Christ,—as Giraldus Cambrensis saith: "And always until the first conquest of Wales they were consecrated by the Archbishop of Saint David's; and he was likewise consecrated by other Bishops, as his suffragans, without professing any manner of subjection to any other Church<sup>2</sup>."

Now is it not fair to expect from our adversaries

<sup>1</sup> Vid. Regest. [Landav.] apud Ussher, de Britan. Eccl. Antiq. [c. xiv. p. 291, ed. Lond. 1687.]

<sup>2</sup> Itinerarium, Camb. Lib. II. c. 1; [p. 856, l. 10, etc. apud Camden. Anglica Scripta. Cf. Bramhall's Replication to the Bp of Chalcedon: Works, Vol. II. pp. 151, 152.]



one instance, either of a Bishop or Archbishop ordained or consecrated, during the first six hundred years by papal authority in Britain, from their own or our British records? But this challenge, made by Archbishop Bramhall<sup>1</sup>, receives no answer.

Objection. Here the Bishop of Chalcedon only offers, "That few or no records of British matters for the first six hundred years do remain<sup>2</sup>."

Answer. "This is no answer," (saith the Primate<sup>3</sup>) "while all the Roman registers are extant: yea, so extant, that Platina, the Pope's library-keeper, is able out of them, to set down every ordination made by the primitive Bishops of Rome, and the persons ordained."

He adds, "Let them shew what British Bishops they have ordained, or what British appeals they have received for the first six hundred years: (though he please to omit it) I have shewed plainly out of the list of the Bishops ordained—three by Saint Peter, eleven by Linus, fifteen by Clement, six by Anacletus, five by Evaristus, five by Alexander, and four by Sixtus, &c.—that there were few enough for the Roman province, none to spare for Britain<sup>4</sup>."

St Peter. (1) It is said<sup>5</sup> that 'Saint Peter ordained here'; but that was before he had been at Rome: therefore not as Pope of Rome.

<sup>1</sup> [Just Vindication: Works, Vol. I. p. 158.]

<sup>2</sup> R. C. [i. e. Richard Chalcedon's 'Brief Survey,' p. 70, ed. Paris. 1654.]

<sup>3</sup> [Bramhall's Replication, p. 166.]

<sup>4</sup> Vid. Bramhall, Tom. I. Disc. III. p. 207; [Vol. II. pp. 166, 167, *new edit.*]

<sup>5</sup> [This and the following objections are taken from R. C.'s 'Survey,' pp. 71, et seqq. The answers are mainly from Bramhall's 'Replication,' ubi supra.]

(2) ‘Eleutherius sent Fugatius and Damianus’; Eleutherius. but what to do? To baptize King Lucius: upon the same errand he sent Victor into Scotland<sup>1</sup>.

(3) ‘Palladius and Ninian are instances of men Palladius. sent to preach to the Picts and Scotland, as Saint Patrick into Ireland’: this was kindly done, but we have not one syllable of any jurisdiction all this while: besides, it is remarkable, though there be a dispute about Palladius his being sent, yet it is certain he was rejected, and after died; in whose place Saint Patrick succeeded, without any mandate from Rome, that we read of<sup>2</sup>.

(4) ‘Geoffrey of Monmouth saith, that Dubritius, Objection. Primate of Britain, was Legate of the see Apostolic.’ Legates. And we say that Geoffrey tells many fables: and that it is gross credulity to believe him contrary to the authentic history, and more undoubted practices of those times. ‘We read,’ (saith the Primate) ‘of many Legates; but certainly either they were no papal Legates, or papal Legates in those days were but ordinary messengers, and pretended not to any lega-

<sup>1</sup> [The argument is, that baptizing was no act of jurisdiction. In the latter clause, however, there is some mistake; for Victor, Bishop of Rome, is not said to have come in person to Ireland (the ancient Scotland), but only to have sent missionaries to King Donald, as Eleutherius had sent to Lucius. The whole story is considered fabulous by Bp Stillingfleet, *Origines Britan.* chap. ii. p. 53; ed. Lond. 1840.]

<sup>2</sup> Bed. in vit. S. Pat. Lib. i. [This life of St Patrick is among the works of Bede, but was composed by Probus, according to Cave, *Hist. Liter. in Bed.*—It contains no mention of Cœlestinus, although Patrick’s mission is ascribed to that Pope by Sigebert of Gemblours and Matthew of Westminster. Vid. *Spelman. Concil. Tom. i.* pp. 49, 50. A fuller account may be seen in Ussher, *de Britan. Eccl. Antiq.* c. xvii. pp. 425, et seqq.]

tine power, as it is now understood: for we read [not] so much as any one act of jurisdiction done by them, and firmly conclude thence that there was none<sup>1</sup>.

Objection. But R. C. saith, 'St Sampson had a Pall from Rome.'

Solution. He had a Pall, but it is not proved that he had it from Rome; it is certain, Archbishops and Patriarchs in the primitive times had Palls, which they received not from Rome<sup>2</sup>.

Besides, if he did receive that Pall from Rome, in all probability it was after the first six hundred years:—if either, according to Cambrensis<sup>3</sup>, he was the five and twentieth Archbishop after St David, or, according to Hoveden<sup>4</sup>, the four and twentieth; and then it is nothing to our present question.

Objection. 'St Gregory granted to Austin the use of the Pall,' saith R. C. 'the proper badge and sign of Archiepiscopal dignity, and gave him liberty to ordain twelve Bishops under his jurisdiction, as Archbishop of Canterbury.'

Solution. This was done at the end of the first six hundred years, and therefore not to our present question: however, if the Pagan Saxons had destroyed Christianity among the Britains (as they say), it was very christianly done of St Gregory, to send Augustine to convert and re-establish the Church among them; but none can imagine, that by receiving Augustine

<sup>1</sup> [Replication, p. 173.]

<sup>2</sup> [On the history and use of the 'Pall,' see Twysden's Hist. Vindication, pp. 58, et seqq.]

<sup>3</sup> Itiner. Camb. Lib. II. c. 1.

<sup>4</sup> R. de Hoveden, Annal. A. D. 1199, [p. 798, l. 9, etc. inter 'Rerum Anglic. Scriptores': Francofurt. 1601.]

and his Bishops, they intended to submit themselves and posterity to the see of Rome; which when pressed before, the Britains so unanimously rejected.

Neither indeed could they do it to the prejudice of the ancient primacy of the Britains, existing long before, and confirmed in its independency upon any foreign power. For Bede himself<sup>1</sup>, as well as all our own historians, makes it most evident, that the Britains had Bishops long before: we find the subscriptions of three of them to the first Council of Arles<sup>2</sup>—Eborius of York, Restitutus of London, and Adelfius de Civitate Colonia Lond.—and from the presence of some of them at the Sardican Synod<sup>3</sup>, and the Council of Ariminum<sup>4</sup>, as appears by Athanasius and others<sup>5</sup>; and that they had also an Archbishop<sup>6</sup> or Primate, whose ancient seat had been at Caerleon, who rejected the papacy, then possessing and defending the privilege of their freedom from any foreign jurisdiction<sup>7</sup>.

This their privilege was secured to them, both by the Nicene, Chalcedonian, and Ephesian Councils<sup>8</sup>.

<sup>1</sup> [Bede (Hist. Eccl. Lib. II. c. 2) informs us that *seven* Bishops met Augustine to confer on the question of communion and co-operation.]

<sup>2</sup> [A. D. 314. Concil. ed. Labb. Tom. I. 1430. Cf. Bingham, Antiq. Book IX. chap. vi. s. 20.]

<sup>3</sup> [A. D. 347.]

<sup>4</sup> [A. D. 359.]

<sup>5</sup> [Apol. ad Constant. Opp. Tom. II. p. 720, ed. Colon. 1686; Sulpic. Sever. Hist. Sac. Lib. II. ad fin.]

<sup>6</sup> [viz. Menevensis Archiepiscopus (Archb. of St David's). The archiepiscopal see had been translated first to Llandaff (A. D. 512), and soon after to St David's. Cf. Spelman, Concil. Tom. I. pp. 106, 107, and Bingham, ubi supra.]

<sup>7</sup> [See above, p. 32.]

<sup>8</sup> [For the decisions of the Councils of Nico and Ephesus, see



Contrary to these Councils, if the Pope did intend to give Augustine the primacy over the Britains, it was a plain usurpation. Certainly the privileges of the Britannie Church returned with its Christianity; neither could Gregory dispose of them to Austin, or he to Gregory.

Besides, lastly, it is not possible any sober man can imagine, that that humble and holy Pope, St Gregory, who so much detested (if in earnest) the very title<sup>1</sup> of Universal Bishop, should actually invade the privilege of the Britains, and hazard his own salvation in his own judgment, when he so charitably designed the conversion of England by sending Austin hither.

If in earnest.

Objection.

Wilfrid.

R. C. saith, 'It appears that Britain was anciently subject to the see of Rome: for Wilfrid, Archbishop of York, appealed to Rome twice, and was twice restored to his Bishopric.'

Solution.  
A.D. 673.

We see when this was done; seventy and three years after the first six hundred.

He appealed indeed<sup>2</sup>, but was still rejected; notwithstanding the sentence of Rome in his favour, for six years together, during the reigns of King Egbert and Alfred his son;—so far is this instance from being a proof of the Pope's possession here at that time. Yet this is "the most famous," saith my Lord Bramhall "(I had almost said, the only) appellant

above, pp. 36, 39; and that usurped jurisdiction was not sanctioned by the Council of Chalcedon is proved in Mr Palmer's 'Jurisdiction of British Churches,' sect. v.]

<sup>1</sup> [See above, p. 39, note 2.]

<sup>2</sup> [For a history of his appeals, see Twysden's Hist. Vindication, pp. 36—40.]

from England to Rome, that we read of before the Conquest<sup>1</sup>."

Moreover, the answer of King Alfred to the Pope's Nuncio, sent hither by the Pope on purpose, is very remarkable. He told him, "he honoured them as his parents for their grave lives and honourable aspects, but he could not give any assent to their legation; because it was against reason, that a person, twice condemned by the whole Council of the English, should be restored upon the Pope's letter<sup>2</sup>."

At this time it is apparent, neither the Kings of England, nor the Councils of English Churchmen—as my Lord Bramhall expresseth<sup>3</sup> it, "two Kings successively, and the great Councils of the kingdom, and the other Archbishop, Theodore, with all the prime Ecclesiastics, and the flower of the English Clergy, opposing so many sentences and messages from Rome"—did believe that England was under the jurisdiction of Rome, or ought to be so.

Yea, the King and the Church, after Alfred's death, still made good this conclusion, that it was 'against reason, that a person twice condemned by the whole Council of the English, should be restored upon the Pope's bull<sup>4</sup>.'

Malmesbury would suggest, that the King and the Archbishop Theodore were smitten with remorse

<sup>1</sup> [Just Vindication; Works, Vol. I. p. 133.]

<sup>2</sup> Spelman, Concil. A. D. 705, [Tom. I. p. 203.]

<sup>3</sup> [Ubi supra, p. 134.]

<sup>4</sup> [The result was that an English Synod promoted John of Beverley from Hexham to York, and placed Wilfrid in Hexham and Ripon. See Twysden, p. 39.]

before their deaths, for the injury done to Wilfrid<sup>1</sup>, &c. But not the King only, but the whole Council, not Theodore alone, but the whole Clergy, opposed the Pope's letter; which is enough both to render the dream of Malmesbury a ridiculous fable, and for ever to confirm this truth, that England was not then, viz. in the six hundred seventy and third year of Christ, under the jurisdiction of the Pope, either actually, or in the belief of the Church or kingdom of England.

The latter, viz. the non-possession of our belief of the Pope's universal jurisdiction—which is so much insisted upon by the Romanists—will yet more evidently appear by that which followeth.

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## SECTION II.

### NO POSSESSION OF OUR BELIEF ANCIENT.

Not in  
England.

WE have found the Britains, by the good Abbot, and two several Synods,—we have found the State of England in three successive Kings, their great Councils and body of the Clergy, refused to yield obedience both to the Pope's persuasions, injunctions, sentences, and Legates: therefore it seems

<sup>1</sup> [Cf. Bramhall's 'Just Vindication,' p. 134; where the Oxford editor remarks that Malmesbury's account agrees with the Life of Wilfrid, capp. 42, 58, in Gale's 'Scriptores xv.' It is certain, however, that the warmest opponents of Wilfrid were at the time regarded as the greatest ornaments of the English Church. Cf. Twysden, pp. 39, 40; Turner's Hist. of the Anglo-Saxons, Vol. I. pp. 385, et seqq.]

impossible that Britain or England should then believe either the Pope's Infallibility, or their obligation to his jurisdiction; or that there was any such thing as the tradition of either, delivered to them by their ancestors, or believed among them.

Indeed, by this one argument, those four great characters of the papacy are deleted and blotted out for ever, viz. Possession, Tradition, Infallibility, and Antiquity.

I shall add the practice and belief of Scotland <sup>Nor in Scotland.</sup> too, that other great part of our King's dominions. When the Pope's Legate, more than twice six hundred years after Christ, viz. about 1238, entered Scotland, to visit the churches there, Alexander the Second, then King of the Scots, forbade him so to do, alleging, 'That none of his predecessors had ever admitted any such, neither would he suffer it;' and therefore willed him at his own peril to forbear<sup>1</sup>. Hence it is evident, there was neither tradition nor belief either of the Pope's ancient and necessary government, and therefore not of his infallibility; much less that anciently and from the beginning, the Pope had exercised his jurisdiction more in Scotland than in England. We have that King's word for it, 'None of his predecessors had ever admitted any such.'

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<sup>1</sup> Mat. Paris. [Hist. Major.] A.D. 1239, [p. 498, l. 25; ed. Lond. 1639.]



## SECTION III.

IN THE CANONS, APOSTOLICAL, NICENE, MILEVITAN, &c., THIS BELIEF COULD HAVE NO GROUND.

WHAT could possibly sway the first ages to such a belief of the Pope's universal jurisdiction<sup>1</sup>? Certainly nothing from the Councils, nor the practice of the Church in other places, nor indeed the declared judgment of the Pope himself, nor the words of the Laws.

I. *Nothing to be found in the Canons of the Ancient Councils could invite to such belief.*

In the Apostles' Canons<sup>2</sup> we find the quite contrary; *πρῶτος*, the first or Primate among the Bishops of every nation, shall be accounted *ὡς κεφαλὴ*, 'as their Head'; and that every one of those Primates shall *ἐκείνα μόνα πράττειν*, 'do those things only which belong to his province and the regions under it.' And in pursuance of those Canons, the first Nicene Council decreed *τοὺς ὑφ' ἐτέρων ἀποβληθέντας, ὑφ' ἐτέρων μὴ προσίεσθαι*; 'that they that are cast out by some, shall not be received by other Bishops,' and 'that this must be observed by the Bishops through every province<sup>3</sup>;' and in further harmony the Milevitan Council prohibits 'all appeal from their own Bishops, but to the African Councils and Primates of their own provinces; and that they which shall appeal to any foreign, whether Bishop or Council, shall

<sup>1</sup> Vid. cap. xx.

<sup>2</sup> [Apost. Canon. xxxiv; quoted above, p. 34, note 1.]

<sup>3</sup> [Nicæn. Concil. Can. v; apud Labb. Concil. Tom. II. 32; A.]

not be received into Communion by any in Africk<sup>1</sup>. And, lastly, the practice of all this is visible in the very Synodical Epistle of the African Council to Pope Cœlestine, where they beseech him for the future, ‘that he will receive none such, because he may easily find it defined in the Council of Nice<sup>2</sup>.’ These Canons are all in the Roman Codex, and cannot be pretended to be invalid; neither can they possibly oblige any man to believe that the Pope had universal jurisdiction as is now pretended.

Moreover, as Dr Hammond<sup>3</sup> notes, to some of these Canons the Pope himself makes oath, that he will inviolably observe them; and from that oath of the Pope, our Bishops made this very conclusion, that the Popes, that exercised a primacy over any other Bishops but those of their own province in Italy, transgressed their own profession made in their creation<sup>4</sup>: as further appears<sup>5</sup> by the ‘Institution of a Christian Man’ in the year 1538.

(But more largely of this in the last chapters.)

Therefore the Britains could not believe that they

<sup>1</sup> [Concil. Milevit. A.D. 416, Can. xxii; apud Labb. Tom. II. 1542, 1543: “Quod si et ab eis provocandum putaverint, non provocent, nisi ad Africana Concilia, vel ad Primates provinciarum suarum. Ad transmarina autem qui putaverit appellandum, a nullo intra Africam in communionem suscipiatur.”]

<sup>2</sup> Vid. Dr Hammond, at large, ‘Dispatcher Dispatcht,’ pp. 397, etc. [Works, Vol. II. p. 221.]

<sup>3</sup> [Ibid.: the reference being to the ‘Corpus Juris Canonici,’ Decret. Part I. Distinct. xvi. c. 8. For at least eight centuries, every Bishop of Rome took an oath on the day of his consecration, to ‘keep the sacred Canons, and the Constitutions of the holy Bishops.’ Mr Palmer’s Jurisdiction of British Bishops, p. 81.]

<sup>4</sup> [Hammond, Treatise of Schism; Works, Vol. I. p. 105.]

<sup>5</sup> [See ‘Formularies of Faith,’ p. 55; ed. Oxf. 1825.]

then owed subjection to the papacy, but they must charge the writers of the Apostolic Canons (whether by Apostles or apostolical men) and the Councils, for enacting sacrilegious decrees; and the Pope also for swearing the inviolable observation of them.

These things are plain, and S. W. by pretending in general, that words admit of various interpretations, without applying his rule to the case, gives but too just occasion to Dr Hammond to expose him as he doth<sup>1</sup>.

Eadmer<sup>2</sup> speaks plain and home too; it was *inauditum in Britannia, quemlibet hominum super se vices apostolicas gerere, nisi solum Archiepiscopum Cantuariæ*, —‘it was a thing unheard of;’ no practice of it, no tradition for it:—therefore no such thing could be believed, that any other (not the Pope himself) did apostolically govern the affairs of Britain, but only the Archbishop of Canterbury.

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#### SECTION IV.

##### COUNCILS OF SARDICA, CHALCEDON, CONSTANTINOPLE.

Sardica.

IT may be<sup>3</sup> said, the Britains might hear of the Canon of the Council of Sardica, where it was decreed, that Bishops grieved might appeal to the Bishop of Rome.

<sup>1</sup> See ‘Dispatcher Dispatcht,’ pp. 181, etc. [Works, Vol. II. pp. 224, et seqq.]

<sup>2</sup> [Hist. Novorum], p. 58, l. 43; [ed. Selden.]

<sup>3</sup> Vid. cap. xx. sect. ix.

The words of the Council are these<sup>1</sup>: “In case any Bishop, for any cause condemned, maintain his innocence, if it seem good to you, let us honour the memory of Peter the Apostle, that it be written by those who have judged the cause to Julius the Bishop of Rome; and if it seem good, let the judgment be renewed, and let them appoint such as may take cognizance of it.” Hereupon it is plain

(1) These Fathers did not acknowledge the Pope’s supremacy, who thus laid it at the feet, and pleasure of others—‘if it seem good to you.’

(2) Here is no peremptory order neither, and it might not seem good to civil Princes to suffer such Appeals.

(3) No absolute appeal it seems was intended; but only the Bishop of Rome might review the case: and how much a review differs from appeal, and that nothing but power to review is here given to the Bishop of Rome, are both fully manifested by the Archbishop of Paris<sup>2</sup>.

(4) The Decree (such as it is) is not grounded upon any prior right, from Scripture, tradition, or

<sup>1</sup> [Concil. Sardic. A.D. 347, Can. iii; apud Labb. Tom. II. 629, A.: Εἰ δὲ ἀρά τις ἐπισκόπων ἐν τινι πράγματι δόξῃ κατακρίνεσθαι, καὶ ὑπολαμβάνει ἑαυτὸν μὴ σαθρὸν ἀλλὰ καλὸν ἔχειν τὸ πρᾶγμα, ἵνα καὶ αὐθις ἢ κρίσις ἀνανεωθῇ· εἰ δοκεῖ ὑμῶν τῇ ἀγάπῃ, Πέτρου τοῦ ἀποστόλου τὴν μνήμην τιμῆσωμεν, καὶ γραφῆναι παρὰ τούτων τῶν κρινάντων Ἰουλίῳ τῷ ἐπισκόπῳ Ῥώμης, ὥστε διὰ τῶν γειτνιώντων τῇ ἐπαρχίᾳ ἐπισκόπων, εἰ δέοι, ἀνανεωθῆναι τὸ δικαστήριον, καὶ ἐπιγνώμονας αὐτὸς παράσχοι, κ. τ. λ.]

<sup>2</sup> Petr. de Marca, de Concordia, Lib. VII. c. 3, s. 6, 7, &c. [Cf. ibid. Lib. V. s. 47; Lib. VI. c. 30, s. 9; Bramhall, ‘Schism Guarded,’ Vol. II. pp. 531, et seqq. Numerous authorities supporting the same view, may be seen in Dr Wordsworth’s ‘Theophilus Anglicanus,’ pp. 138, 139.]



possession, or any former Council; hath no other argument but the honour of Saint Peter; and that not in his authority, but his memory, who first sat in that see, where Julius was now Bishop. But we may have leave to ask, where was the supremacy of the Church of Rome before? or how should the Britains dream of it before? or why did not these Canons take notice of the undoubted Canon of Nice to the contrary, made two and twenty years before, either to null or explain it?

But that these Sardie Canons neither established the Pope's supremacy, nor were acknowledged to bind the Church afterwards, nor could be accounted an Appendix to the Council of Nice, and what weakness and falseness has been practised upon this argument—is so largely, ingenuously and satisfactorily manifested by Doctor Stillingfleet, that I shall for his fuller satisfaction refer the reader to him<sup>1</sup>.

It is strongly argued, in the last reasonings of my Lord Bramhall<sup>2</sup>, that 'after the Eastern Bishops were departed, this Council of Sardica was no General Council; because the presence of five great Patriarchs were ever held necessary to the being of a General Council; as Bellarmine himself confesseth, de Coneil. Lib. i. c. 17.

'If this Council had been general, why do Saint Gregory, Isidore, and Bede, leave it out of the number of General Councils? Why did Saint Austin, Alypius and the African Fathers, slight it? And

<sup>1</sup> Rational Account, pp. 419, etc. [Vol. II. pp. 206, et seqq. ed. 1844. Cf. also Bp Stillingfleet's *Origines Britan.* pp. 145, 146.]

<sup>2</sup> [Schism Guarded; Works, Vol. II. pp. 532, 533.]

(which is more) why do the Eastern Church not reckon it among their seven, nor the Western Church among their eight first General Councils? Why did the English Church omit it in their number in the Synod of Hedtfeld<sup>1</sup> in the year 680, and embrace only unto this day the Council of Nice, the first of Constantinople, the first of Ephesus, and the first and second of Chalcedon<sup>2</sup>?

The first five General Councils were therefore incorporated into our English Laws; but this Council of Sardica never was. Therefore, contrary to this Canon of Appeal, it is the fundamental Law of England, in that famous memorial of Clarendon, ‘All Appeals in England must proceed regularly from the Archdeacon to the Bishop, from the Bishop to the Archbishop, and if the Archbishop failed to do justice, the last complaint must be to the King to give order for redress<sup>3</sup>.’

It is evident, the great Council of Chalcedon<sup>4</sup> Chalcedon. contradicted this Canon for Appeals to Rome—where Appeals from the Archbishop are directed to be made ‘to every Primate, or the holy see of Constantinople,’ as well as Rome. From which evidence, we have nothing but silly evasions, as that Primate<sup>5</sup> truly observes.

Besides, if our forefathers had heard of the Ca-

<sup>1</sup> Apud Spelman, Concil. [Tom. I.] p. 169.

<sup>2</sup> [See authorities in the new edition of Bramhall, Vol. II. p. 533.]

<sup>3</sup> [Mat. Paris, Hist. Major. A.D. 1245, pp. 100, 101. Cf. Bramhall, ubi supra.]

<sup>4</sup> Act. xv. Can. ix. [apud Labb. Concil. Tom. IV. 759, D.]

<sup>5</sup> [Bramhall,] Schism Guarded, p. 374; [Works, Vol. II. p. 534.]

Constanti-  
nople.

Chalcedon.

nons of the Councils truly general—as no doubt they had—how could they possibly believe the unlimited jurisdiction of Rome? The Council of Constantinople is not denied to give equal privileges to the Patriarch of Constantinople with the Patriarch of Rome<sup>1</sup>. And the Council of Chalcedon conclude thus<sup>2</sup>: “For the” (Nicene) “Fathers did justly give privileges to the see of old Rome, because it was the imperial city; and the hundred and fifty godly Bishops, moved with the same consideration, did give equal privileges to the see of new Rome; rightly judging, that that city, which was the seat of the empire and senate, should enjoy equal privileges with the ancient imperial city of Rome, and be extolled and magnified in ecclesiastical affairs as well as it, being the second in order from it.” And in the last sentence of the Judges, upon review of the cause—“The Archbishop of the imperial city of Constantinople, or new Rome, must enjoy the same privileges of honour, and have the same power, out of his own authority to ordain Metropolitans in the Asiatic, Pontic, and Thracian Dioceses.”

<sup>1</sup> [Concil. Constant. I. A.D. 381, Can. iii: Τὸν μὲν τοι Κωνσταντινουπόλεως ἐπίσκοπον ἔχειν τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν τῆς Ῥώμης ἐπίσκοπον, διὰ τὸ εἶναι αὐτὴν νέαν Ῥώμην. Labb. Concil. Tom. II. 947, c.]

<sup>2</sup> [Concil. Chalcedon. Act. xv. Can. xxviii: Καὶ γὰρ τῷ θρόνῳ τῆς πρεσβυτέρας Ῥώμης, διὰ τὸ βασιλεύειν τὴν πόλιν ἐκείνην, οἱ πατέρες εἰκότως ἀποδεδώκασι τὰ πρεσβεῖα. καὶ τῷ αὐτῷ σκοπῷ κινούμενοι οἱ ῥν'. θεοφιλέστατοι ἐπίσκοποι τὰ ἴσα πρεσβεῖα ἀπένειμαν τῷ τῆς νέας Ῥώμης ἀγιωτάτῳ θρόνῳ, εὐλόγως κρίναντες, τὴν βασιλεία καὶ συγκλήτῳ τιμηθεῖσαν πόλιν, καὶ τῶν ἴσων ἀπολαύουσιν πρεσβείων τῇ πρεσβυτέρᾳ βασιλίδι Ῥώμῃ, καὶ ἐν τοῖς ἐκκλησιαστικοῖς, ὡς ἐκείνην, μεγαλύνεσθαι πράγμασι, δευτέραν μετ' ἐκείνην ὑπερέχουσιν.]

Are these the words of a General Council? Could these Fathers imagine the Pope at that time Monarch of the whole Church? Or could this be acknowledged by England at first, and they yet give up their Faith to the Pope's universal power? Can these things consist? Yea, is there not something in all the Councils allowed by the ancient Britains, and the ancient English Church, sufficient to induce a Faith quite contrary to the Roman pretensions?

But as to this Canon of Constantinople, S. W. *Objection.* quits his hands; roundly telling us, that it 'was no free act,' but 'voted tumultuously, after most of the Fathers were departed.'

S. W. had been safer, if he had been wiser: for *Solution.* that which he saith is altogether false, and besides such a cluster of forgeries, as deserves the whetstone to purpose;—as my Lord Bramhall manifests against him<sup>1</sup>.

(1) False: the act was made before the Bishops had license to depart; it had a second hearing; and was debated by the Pope's own Legates on his behalf, before 'the most glorious Judges'; and maturely sentenced by them in the name of the Council<sup>2</sup>. This was one of those four Councils, which Saint Gregory honoured next to the four Gospels<sup>3</sup>. This is one of those very Councils, which every succeeding Pope doth swear to observe to the least tittle<sup>4</sup>.

<sup>1</sup> Schism Guarded, p. 354. [Works, Vol. II. p. 489.]

<sup>2</sup> [Vid. Act. xvi. apud Labb. Concil. Tom. IV. 795.]

<sup>3</sup> ["Sicut Sancti Evangelii quatuor libros." Greg. Epist. Lib. I. c. 24; Indict. ix.]

<sup>4</sup> [See above, p. 61.]



(2) For his forgeries about it, he is sufficiently shamed by the Primate in the place cited<sup>1</sup>: it is pity such shifts should be used, and it is folly to use them; when the truth appears, what remains but both the person and the cause reproached<sup>2</sup>?

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## SECTION V.

### ARABIC CANONS FORGED,—NO CANONS OF THE COUNCIL OF NICE.

Objection. **Y**ET it is a marvellous thing, that the Romanist should dare to impose upon so great and learned a Primate as the late Archbishop Laud, that by 'the third Canon of the Council of Nice, the Patriarch is in the same manner over all those that are under his authority, as he who holds the see of Rome is head, and prince of the Patriarchs'—'resembling Saint Peter, and his equal in authority<sup>3</sup>.'

Answer. When it is most evident to the meanest capacity, that will search into it, that that is no Canon of the true Council of Nice; and that instead of the third, it is the thirty-ninth of the supposititious and forged Canons,—as they are set forth in the Arabic editions, both by Pisanus and Turrianus<sup>4</sup>.

In these editions there are no less than eighty Canons pretended to be Nicene, whereas the Nicene Council never passed above twenty; as is evident

<sup>1</sup> [Bramhall, Vol. II. pp. 489, 490.]

<sup>2</sup> See more of the Councils at the latter end. ['Postscript.']

<sup>3</sup> [Labbe, Concil. Tom. II. 303, c; but see Stillingfleet's Vindication of Archbp. Laud, Vol. II. p. 158; ed. 1844.]

<sup>4</sup> [In Labbe, ubi supra.]

from such as should know best—the Greek authors, who all reckon but twenty Canons of that Council: such as Theodoret<sup>1</sup>, Nicephorus Callistus<sup>2</sup>, Gelasius Cyzicenus<sup>3</sup>, Alphonsus Pisanus; and Binius<sup>4</sup> himself confesseth that all the Greeks say there were no more but twenty Canons then determined.

Yea, the Latins themselves allowed no more: for although Ruffinus<sup>5</sup> make twenty-two, it is by splitting of two into four.

And in that Epitome<sup>6</sup> of the Canons, which Pope Hadrian sent to Charles the Great, for the government of the Western Churches, A.D. 773, the same number appears. And in Hinemarus's<sup>7</sup> MS. the same is proved, from the testimonies of the Tripartite History, Ruffinus, the Carthaginian Council, the epistles of Cyril of Alexandria, Atticus of Constantinople, and the twelfth action of the Council of Chalcedon. And if we may believe a Pope, Stephen in 'Gratian'<sup>8</sup>

<sup>1</sup> Theodoret. Eccl. Hist. Lib. I. c. viii; [p. 29. c; ed. Vales.]

<sup>2</sup> Niceph. Callist. Eccl. Hist. Lib. viii. c. 19; [Tom. I. p. 571, c; ed. Paris. 1630.]

<sup>3</sup> [According to Cave (Hist. Liter.) this writer flourished about A.D. 476. He composed a history of the Council of Nice, the second book of which was transferred by Alphonsus Pisanus into his own Latin history of that Council. The words of Gelasius are as follows: *ἐξέθεντο δὲ καὶ ἐκκλησιαστικοὺς κανόνας εἴκοσιν ἐν αὐτῇ τῇ ἐν Νικαίᾳ συνόδῳ*, κ. τ. λ. Lib. II. c. xxx. The whole history is printed in Labbe, Concil. Tom. II.]

<sup>4</sup> [Not. in Concil. Nicæn. Tom. I. p. 366, col. i. A; ed. 1636.]

<sup>5</sup> [Hist. Eccl. Lib. x. c. 6.]

<sup>6</sup> [Apud Justell. Not. in Cod. Eccl. African. p. 13.]

<sup>7</sup> [Apud Justell. ibid.]

<sup>8</sup> [Corpus Juris Canon.] Distinct. xvi. c. xiii. [The reference, however, does not quite bear out the text; for, after stating that there were extant in the Roman Church only twenty canons, Gratian makes this Pope to have added. "sed quo neglectu alia defecerint ambiguum est."]

saith, the Roman Church did allow of no more than twenty.

The truth is put beyond all question, lastly, both by the proceedings of the African Fathers in the case of Zosimus about the Nicene Canons, when an early and diligent search made it evident; and also by the ‘Codex Canonum Ecclesiæ Africanæ,’ where it is expressly said, there was but twenty Canons<sup>1</sup>.

But this matter is more than clear, by the elaborate pains of Dr Stillingfleet [in his] defence of the late Archbishop Laud; to whom I must refer my reader<sup>2</sup>.

Objection. Yet Bellarmine and Binius would prove there were more than twenty<sup>3</sup>.

Solution. But their proofs depend either upon things, as supposititious as the Arabic Canons themselves; such as the Epistles of Julius and Athanasius ‘ad Marcum’; or else they only prove, that some other things were determined by that Council, viz. concerning re-baptization, and the keeping of Easter, &c.—which indeed might be acts of the Council, without putting them into the Canons, as Baronius<sup>4</sup> himself confesseth, and leaves the patronage of them. And Spondanus<sup>5</sup>, in his contraction of Baronius, relates it as his positive opinion, that he rejected all but twenty, whether Arabic or other, as spurious.

So that it will bear no further contest, but we

<sup>1</sup> [p. 58; Cf. p. 363.]

<sup>2</sup> pp. 391, 392; [Vol. II. pp. 158, et seqq. ed. 1844.]

<sup>3</sup> [Ibid. Vol. II. p. 162; from whence the following solution is epitomized.]

<sup>4</sup> Annal. ad an. 325, CLXXX.

<sup>5</sup> Epitom. Baron. ad an. 325, XLII.

may safely conclude, the Arabic Canons, and consequently this of the Pope's authority, is a mere forgery of later times ; there being no evidence at all, that they were known to the Church in all the time of the four first general Councils.

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## SECTION VI.

PRACTICE INTERPRETED THE CANONS TO THE SAME  
SENSE AGAINST THE POPE—DISPOSING OF  
PATRIARCHS—CYPRIAN—AUGUSTINE.

WE have found nothing in the Canons of the ancient Councils that might give occasion to the belief of the Pope's jurisdiction in England, in the primitive ages of the Church ; but indeed very much to the contrary.

But the Romanist<sup>1</sup> affirms against my lord of Canterbury, that 'the practice of the Church is always the best expositor and assertor of the Canons.'

We are now to examine, whether the ancient practice of the Church was sufficient to persuade a belief of the Pope's jurisdiction as is pretended : in the mean time not doubting, but that it is a thing most evident, that the Pope hath practised contrary to the Canons, and the Canons have declared, and indeed been practised against the Pope.

But what Catholic practice is found on record, that can be supposed a sufficient ground of this Faith,

<sup>1</sup> [viz. T. C., or Thomas Carwell, in the 'Labyrinthus Cantuariensis,' p. 184 ; Cf. Bp Stillingfleet's Reply ('Vindication of Archbp Laud'), Vol. II. p. 163.]



either in England or any part of Christendom? Certainly not of Ordinations, or Appeals, or Visitations. Yea, can it be imagined, that our English ancestors had not heard of the practice of the Britains in maintaining their liberty when it was assaulted by Austin, and rejecting his demands of subjection to the see of Rome<sup>1</sup>? No doubt they had heard of the Cyprian privilege<sup>2</sup>, and how it was insisted on in bar of the universal pastorship, by their friends the Eastern Church;—from whom<sup>3</sup> they in likelihood received the Faith, and with whom they were found at first in Communion, about the observation of Easter and Baptism; and in practice, diverse from the Church of Rome.

**Objection.** But one great point of practice is here pitched upon by Baronius, and after him by T. C.<sup>4</sup> It is the Pope's confirmation of the election, deposing and restoring, of Patriarchs; which they say he did 'as head and prince of all the Patriarchs,' and consequently of the whole Church.

**Solution.** But where hath he done these strange feats? Certainly not in England. And we shall find the instances not many nor very early any where else. But to each branch.

**Confirmation of Patriarchs.** (1) It is urged, that the Pope's confirmation is required to all new elected Patriarchs.

Admit it, but the Archbishop of Paris, Petrus de Marca<sup>5</sup>, fully answers Baronius (and indeed every

<sup>1</sup> [See above, pp. 45, 46.]

<sup>2</sup> [See above, p. 39.]

<sup>3</sup> [Cf. Twysden's Vindication, pp. 9, 13.]

<sup>4</sup> [Cf. Stillingfleet, ubi supra.]

<sup>5</sup> De Concordia Sacerdotii et Imperii, Lib. vi. c. v. s. 2.

body else), that ‘this was no token of jurisdiction, but only of receiving into Communion; and as a testimony of consent to the Consecration.’ If any force be in this argument, then the Bishop of Carthage had power over the Bishop of Rome; because he and other African Bishops confirmed the Bishop of Rome’s ordination<sup>1</sup>.

Baronius insists much upon ‘the Confirmation of Anatolius by Leo I.’ which very instance answers itself. Leo himself tells us, that it was to manifest, ‘that there was but one entire Communion among them throughout the world<sup>2</sup>.’

Yet it is not to be omitted, that the practice of the Church supposeth that the validity of the Patriarch’s Consecration depended not upon the Confirmation, or indeed, consent of the Pope of Rome. Yea, though he did deny his communicatory letters, that did not hinder them from the execution of their office. Therefore Flavianus<sup>3</sup>, the Patriarch of Antioch, though opposed by three Roman Bishops successively, who used all importunity with the Emperor, that he might be displaced; yet because the Churches of the Orient did approve of him and communicate with him, he was allowed, and their consent stood against the Bishop’s of Rome. At last, the Bishop of Rome, severely rebuked for his pride by the Emperor, yielded; and his consent was given

Consecration depends not on confirmation.

<sup>1</sup> S. Cyprian. Epist. LII. ed. Rigalt. [“quo (i. e. loco Fabiani) occupato de Dei voluntate atque omnium nostrum consensione firmato,” etc.]

<sup>2</sup> [Ep. xxxviii: “Ut per totum mundum una nobis sit unius communionis integritas,” etc.]

<sup>3</sup> [Theodoret. Eccl. Hist. Lib. v. c. 23; Cf. Stillingfleet’s Vindication, Vol. II. pp. 174, 175.]

only by renewing communion with him. But where was the Pope's power, either to make, or make void a Patriarch, while this was in practice?

Deposing  
Patriarchs.

(2) Doth practice better prove the Pope's power to *depose* unworthy Patriarchs? The contrary is evident; for both before and after the Council of Nice, according to that Council, the practice of the Church placed the power of deposing Patriarchs in provincial Councils; and the Pope had it not, till the Council of Sardica decreed in the case of Athanasius, as P. de Marca<sup>1</sup> abundantly proves. Also, that the Council of Sardica itself, did not (as is commonly said) decree appeals to Rome; but only gave the Bishop of Rome power to review their actions, but still reserving to provincial Councils that authority which the Nicene Council had established them in<sup>2</sup>.

Objection.

But T. C. urgeth, that 'we read of no less than eight several Patriarchs of Constantinople deposed by the Bishop of Rome.'

Solution.

Where doth he read it? In an epistle of Pope Nicolaus to the Emperor Michael. 'Well chosen,' saith Doctor Stillingfleet—'a Pope's testimony in his own cause; and such a one as was then in controversy with the Patriarch of Constantinople, and so late, too, as the ninth century is<sup>3</sup>':—when his power was much grown from the infancy of it.

Yet, for all this, this Pope on such an occasion, and at that time, did not say that the Patriarchs mentioned by him were deposed by the Pope's sole

<sup>1</sup> Vid. de Concordia, Lib. vii. c. i. s. 6.

<sup>2</sup> [Concil. Nicæn. Can. v; and for the Council of Sardica, see above, p. 63.]

<sup>3</sup> [Stillingfleet's Vindication, Vol. II. pp. 175, 176.]

authority, but not ejected *sine consensu Romani Pontificis*, 'without his consent'; and his design was only to shew, that Ignatius the Patriarch ought not to have been deposed without his consent<sup>1</sup>.

'Did not Sixtus the third depose Polychronius Bishop of Jerusalem'?

No. He only sent eight persons from a Synod at Rome to Jerusalem; who offered not, by the Pope's authority to depose him, as should have been proved, but by their means seventy neighbour-Bishops were called, by whom he was deposed. Besides, Binius himself condemns those very acts, that report this story, for spurious<sup>2</sup>.

(3) But have we any better proof of the Pope's power to *restore* such as were deposed?

Restoring  
Patriarchs.

The only instance in this case brought by T.C. is of Athanasius and Paulus restored by Julius: and indeed to little purpose<sup>3</sup>.

It is true, Athanasius, condemned by two Synods, goes to Rome, where he and Paulus are received into communion by Julius, not liking the decree of the Eastern bishops. Julius never pleads his power to depose Patriarchs, but that his consent for the sake of unity should also have been first desired; and that so great a matter in the Church required a Council both of the Eastern and Western Bishops<sup>4</sup>.

"But," saith Dr Stillingfleet, "when we consider

<sup>1</sup> Vid. Nicol. I. Epist. viii. Michael. Imper.; apud Concil. ed. Bin. Tom. vi. p. 506.

<sup>2</sup> Concil. Tom. II. p. 685.

<sup>3</sup> [Cf. Stillingfleet, ubi supra, p. 176.]

<sup>4</sup> Vid. P. de Marca, de Concordia, Lib. VII. c. 4, s. 6.



with what heat and stomach this was received by the Eastern Bishops; how they absolutely deny that the Western Bishops had any more to do with their proceedings, than they had with theirs; when they say, that the Pope by this usurpation was the cause of all the mischief that followed; we see what an excellent instance you have made choice of to prove the Pope's power of restoring Bishops, by Divine right, and that this was acknowledged by the whole Church<sup>1</sup>."

Sure, so far the Church's practice abroad could not prevail to settle his right of jurisdiction in the English faith; especially considering the practice of our own Church, in opposing the letters and Legates of Popes for six years together, for the restoring of Archbishop Wilfrid, by two of our own successive Kings, and the whole State of England ecclesiastical and civil, as appeared above<sup>2</sup>.

Moreover, St Cyprian<sup>3</sup> professeth in the Council of Carthage, "For no one of us hath made himself Bishop of Bishops, or driven his fellow Bishops to a necessity of obedience": particularly relating to Stephen, then Bishop of Rome, as Baronius himself resolves<sup>4</sup>.

But upon a matter of fact, St Augustine gave his own judgment, both of the Pope's power and action,

<sup>1</sup> [Stillington's Vindication, Vol. II. p. 177.]

<sup>2</sup> [pp. 56, 57.]

<sup>3</sup> [A. D. 255; apud Labb. Concil. Tom. I. 786: "Neque enim quisquam nostrum episcopum se esse episcoporum constituit, aut tyrannico terrore ad observandi necessitatem collegas suos adigit." The Council was attended by eighty-seven bishops, besides priests and deacons.]

<sup>4</sup> Annal. Eccl. ad an. 258, xxiv.

in that known case of the Donatists<sup>1</sup>. (1) They had leave to be heard by foreign Bishops. (2) *Forte non debuit*, 'yet perhaps Melchiades, the Bishop of the Roman Church, ought not to usurp to himself this judgment, which had been determined by seventy African Bishops, Tigisitanus sitting Primate.' (3) St Augustine proceeds, 'And what will you say, if he did not usurp this power? For the Emperor, being desired, sent Bishops judges, which should sit with him, and determine what was just upon the whole cause.' So that upon the whole, it is easily observed, that in St Augustine's judgment, both the right and the power, by which the Pope (as the rest) proceeded, was to be resolved to the Emperor, as a little before, *ad cujus curam*, 'to whose care'—it did chiefly belong; *de qua rationem Deo redditurus est*, 'of which he was to give account to God.' Could this consist with the belief of the Pope's universal pastorship by Divine right? If there can possibly, after so clear evidence, need more to be said of St Augustine's judgment in this, it is only to refer you to the controversies between the African Bishops and the Bishop of Rome, in case of appeals<sup>2</sup>.

<sup>1</sup> [S. Augustin. Epist. CLXII. The question is very fully stated in Stillingfleet's Vindication, Vol. II. pp. 178, et seqq.]

<sup>2</sup> Vid. Dr Hammond, 'Dispatcher-Dispatcht', pp. 398, etc. [Works, Vol. II. pp. 290, 291]; Bp Stillingfleet's Vindication, [Vol. II. pp. 186—194. See below, sect. viii.]

## SECTION VII.

NOT THE SAYINGS OF ANCIENT POPES, OR PRACTICE  
—AGATHO—PELAGIUS—GREGORY—VICTOR.

Popes  
claimed.

WE can find nothing in the ancient Canons, or ancient practice, to ground a belief of the Pope's authority in England upon; yet sure Popes themselves claimed it, and used expressions to let us know it.

Were it so indeed, experience tells us how little Popes are to be believed in their own cause; and all reason persuades us not to believe them, against the Councils and practice of the Church, and the judgment of the Fathers.

But some of the ancient Popes have been found so honest, as to confess against themselves; and acknowledge plain truth against their own greatness.

The Pope's universal headship is not to be believed from the words of Pope Agatho<sup>1</sup>, in his letter to the Emperor; where St Paul stands as high as St Peter—οἱ τῶν Ἀποστόλων κορυφαῖοι—both are said by him to be heads or chief of the Apostles. Besides, he expressly claimed only the Western Patriarchate.

Pelagius.

But Pope Pelagius II. is more plain and home to Rome itself. *Nec etiam Romanus Pontifex universalis est appellandus*—‘the Pope of Rome is not to be called universal Bishop<sup>2</sup>.’ This was the opinion of

<sup>1</sup> Concil. Tom. v. p. 61, B. [ed. Bin. Numerous other testimonies to the equality of the Apostles, both in honour and jurisdiction, may be seen in Barrow, on the Pope's Supremacy, Suppos. I. Works, Vol. I. pp. 587—593; ed. 1716.]

<sup>2</sup> [Corpus Juris Canon.] Decret. Part I. Distinct. xcix. [cap. v.]

that Pope of Rome himself, as it is cited out of his Epistle, and put into the body of the law by Gratian. Now one would think, that the same law denied the power, that denied the title properly expressing that power.

How triflingly<sup>1</sup> doth S. W. object, ‘these words are not found in the Council of Carthage, while they are found in the *Corpus Juris*’—the Law now of as much force at Rome as that Council.

It is weaker to say<sup>2</sup>, they are Gratian’s own addition, seeing his addition is now law ; and also proved to be the sense of the Pope Pelagius. In his Epistle, he saith, ‘Let none of the Patriarchs ever use the name of Universal<sup>3</sup>’,—applying in the conclusion to himself, being then Pope, as one of that number ; and so, if he were either *Pontifex Maximus*, or a Patriarch, and neither himself nor any Patriarch might be called *Universalis*, then sure nothing was added by him, that said in his Title to the fourth chapter as Gratian did, *Nec etiam Romanus Pontifex*, ‘not even the Bishop of Rome must be called Universal Bishop’.

But what shall be said to St Gregory, who in his Gregory. Epistle to Eulogius<sup>4</sup>, Bishop of Alexandria, tells him,

<sup>1</sup> [Cf. Hammond’s ‘Dispatcher Dispatcht’, chap. v. sect. ix : Works, Vol. II. p. 297.]

<sup>2</sup> [Ibid.]

<sup>3</sup> [“Nullus Patriarcharum universalitatis vocabulo unquam utatur.” *Corpus Juris Canon.* ubi supra.]

<sup>4</sup> Gregor. Epist. Lib. VII. Indict. I. ep. xxx ; [ed. Antwerp. 1615 : “Non tamen invenio vestram beatitudinem, hoc ipsum quod memoriæ vestræ intuli, perfecte retinere voluisse. Nam dixi, nec mihi vos, nec cuiquam alteri tale aliquid scribere debere ; et ecce in præfatione epistolæ, quam ad me ipsum qui prohibui direxistis, superbæ appellationis verbum universalem me papam dicentes, imprimere curastis,” etc. etc. Opp. Tom. IV. col. 240, F.]



‘that he had prohibited him to call him Universal Father; that he was not to do it; that reason required the contrary; that it is derogatory to his brethren; that this honour had, by a Council, that of Chalcedon, been offered to his predecessors, but refused and never used by any’.

Again higher he tells Mauritius<sup>1</sup>, ‘*fidenter dico*, whoever calls himself Universal Priest, or desires to be so called, is by his pride a forerunner of Antichrist’; ‘his pride is an indication of Antichrist approaching’, as he saith to the Empress. Yea, ‘an imitation of none but the Devil, endeavouring to break out to the top of singularity’, (as he saith<sup>3</sup> to John himself): yea elsewhere he calls this title, ‘the name of blasphemy<sup>4</sup>’, and saith, that those that consent to it do *fidem perdere*, ‘destroy the Faith<sup>5</sup>’.

A strong title,—that neither Saint Gregory, nor, as he saith, any one of his predecessors, no Pope that

<sup>1</sup> Lib. vi. ep. xxx: [“Ego autem fidenter dico, quia quisquis se universalem sacerdotem vocat, vel vocari desiderat, in elatione sua antichristum præcurrit, quia superbiendo se cæteris præponit.” Opp. Tom. iv. col. 215, E.]

<sup>2</sup> Lib. iv. [Indict. xiii.] ep. xxxiv: [“Sed in hac ejus superbia quid aliud nisi propinqua jam antichristi esse tempora designatur?” Opp. Tom. iv. col. 140, A.]

<sup>3</sup> Lib. iv. [Indict. xiii.] ep. xxxviii; [“Quis rogo in hoc tam perverso vocabulo, nisi ille ad imitandum proponitur, qui, despectis angelorum legionibus secum socialiter constitutis, ad culmen conatus est singularitatis erumpere, ut et nulli subesse, et solus omnibus præesse videretur.” Opp. Tom. iv. col. 145, D.]

<sup>4</sup> Lib. iv. [Indict. xiii.] ep. xxxii: [“Sed absit a cordibus Christianorum nomen istud blasphemæ, in quo omnium sacerdotum honor adimitur, dum ab uno sibi dementer arrogatur.” Opp. Tom. iv. col. 137, E.]

<sup>5</sup> Ibid. ep. xxxix; [“In isto enim scelesto vocabulo consentire, nihil est aliud quam fidem perdere.” Opp. Tom. iv. col. 148, C.]

went before him, would ever accept of: and herein, saith he<sup>1</sup>, "I plead not my own cause, but the cause of God, of the whole Church, of the Laws, the venerable Councils, the commands of Christ; which are all disturbed with the invention of this proud pompatic style of Universal Bishop."

Now can any one imagine, except one prejudiced as S. W., that the power is harmless, when the title, that doth barely express it, is so devilish a thing? Can any one imagine, that Saint Gregory knew himself to be that indeed, which in word he so much abominates? Or that he really exercised that Universal authority and Universal Bishopric, though he so prodigiously lets fly against the style of 'Universal Bishop'? Yet all this is said, and must be maintained, lest we should exclude the Universal Pastorship out of the Primitive Church<sup>2</sup>.

There is a great deal of pitiful stuff used by the Romanist upon this argument, with which I shall not trouble the reader; yet nothing shall be omitted that hath any shew of argument on their side; among

<sup>1</sup> Ibid. ep. xxii; ["Quia vero non causa mea, sed Dei est; et quia non solus ego, sed tota turbatur ecclesia, quia piæ leges, quia venerandæ synodi, quia ipsa Domini nostri Jesu Christi mandata superbi atque pompatici cujusdam sermonis inventione turbantur," etc. Opp. Tom. iv. col. 137, A.]

<sup>2</sup> [See S. W.'s objections and the reply to them in Dr Hammond, Works, Vol. II. pp. 294, etc. Bp Stillingfleet, in considering similar objections, gives a clear account of the various meanings attached to the title 'Universal Bishop.' The modern Church of Rome in claiming prerogatives for the Pope makes all lawful jurisdiction derivable from him. 'Vindication of Archbp Laud,' Vol. II. pp. 214, etc.]

which, the words of Saint Gregory following in his argument are most material.

**Objection.** Saint Gregory saith, ‘The care of the whole Church was by Christ committed to the chief of the Apostles, Saint Peter; and yet he is not called the Universal Bishop<sup>1</sup>.’

**Solution.** It is confessed that Saint Gregory doth say that the care of the whole is committed to Saint Peter; again, that he was the prince of the Apostles<sup>2</sup>, and yet he was not called Universal Apostle. It is hence plain, that his being Prince of the Apostles did not carry in it so much as Universal Bishop; otherwise Saint Gregory would not have given the one, and denied him the other; and it is as plain that he had the care of all Churches, and so had Saint Paul<sup>3</sup>; but it is not plain that he had power over all Churches.

Doctor Hammond<sup>4</sup> proceeds irresistibly to prove the contrary from Saint Gregory himself, according to the words of the Novel: ‘If any complaint be made,’ saith he, ‘against a Bishop, the cause shall be judged before the *Metropolitan*, “*secundum sanctas Regulas et nostras*<sup>5</sup> *Leges*”; ‘if the party stand not to

<sup>1</sup> [“Cura ei totius ecclesiæ, et principatus committitur, et tamen universalis apostolus non vocatur.” Lib. iv. Indict. xi. ep. xxxii; Tom. iv. col. 137, B.]

<sup>2</sup> [“Omnium apostolorum Petro principi apostolo totius ecclesiæ cura commissæ est.” Ibid.]

<sup>3</sup> [2 Cor. xi. 28.]

<sup>4</sup> [Dispatcher Dispatcht, chap. ii. s. iv; Works, Vol. ii. p. 208. The capitular in question may be seen in Gregory’s Epistles, Lib. xi. Indict. vi. ep. lvi; Tom. iv. col. 442, A.]

<sup>5</sup> [i. e. ‘the *imperial* laws;’ the words being extracted from the Emperor’s Constitutions.]

his judgment, the cause is to be brought to the Archbishop or Patriarch of that diocese, and he shall give it a conclusion, according to the Canons and Laws aforesaid';—no place left for appeal to Rome.

Yet it must be acknowledged, Saint Gregory Objection. adds<sup>1</sup>, “*Si dictum fuerit, etc.*, where there is no Metropolitan nor Patriarch, the cause may be heard by the Apostolic see,”—which Gregory calls “the Head of all Churches.”

Now if this be allowed, what hath the Pope gained, Solution. if perhaps such a Church should be found as hath neither Primate nor Patriarch? How is he the nearer to the Universal Authority over those Churches that have Primates of their own; or which way will he by this means extend his jurisdiction to us in England, who have ever had more than one Metropolitan?—The Archbishop of Canterbury was once acknowledged by a Pope to be “*quasi alterius orbis Papa*”.

But admitting this extraordinary case, that where there is neither Metropolitan nor Patriarch there, they are to have recourse to the see Apostolic; it is a greater wonder that the Romanist should insist upon it, than that his late Grace should mention it;

<sup>1</sup> [“*Contra hæc si dictum fuerit, quia nec Metropolitam habuit nec Patriarcham, dicendum est quia a sede Apostolica, quæ omnium ecclesiarum caput est, causa hæc audienda ac dirimenda fuerat,*” etc. Ibid. col. 442, B.]

<sup>2</sup> [This was the language of Urban II. to Anselm. Cf. W. Malmesbur. de Gestis Pontif. Lib. I. p. 223, l. 33; apud Rerum Anglic. Scriptores; ed. Francofurt. 1601. Numerous other titles, equally exalted, may be seen in Twysden’s Vindication, p. 22.]



—at which T. C. so much admires<sup>1</sup>: for this one observation, with the assistance of that known rule in Law, ‘*exceptio firmat regulam in non exceptis*,’ puts a plain and speedy end to the whole controversy. For if recourse may be had to Rome from no other place, but where there is neither Primate nor Patriarch, then not from England<sup>2</sup>, either when Saint Gregory laid down the rule, or ever since, and perhaps then from no other place in the world. And indeed provision was thus made against any such extraordinary case that might possibly happen; for it is but reason, that where there is no Primate to appeal to, appeal should be received somewhere else; and where better than at Rome, which St Gregory calls *Caput omnium Ecclesiarum*?—and this is the utmost advantage the Romanist can hope to receive from the words.

Objection.

But we see Saint Gregory calls Rome the ‘Head of all Churches’<sup>3</sup>.

Solution.

It is true whether he intends a primacy of fame or visible splendour and dignity, being the seat of the Emperor, or order and unity, is not certain: but it is certain, he intends nothing less by it than that which just now he denied,—a supremacy of power and universal ordinary jurisdiction; he having, in the words immediately foregoing, concluded all ordinary jurisdiction within every proper primacy or patriarchate<sup>4</sup>.

<sup>1</sup> [Cf. Stillingfleet’s *Vindication of Archbp Laud*, Vol. II. p. 194, where Carwell’s wonder is fully explained.]

<sup>2</sup> [See above, pp. 31, 32.]

<sup>3</sup> [See above, p. 83, note 1.]

<sup>4</sup> [Mr Palmer (*Treatise on the Church*, Part VII. chap. iii.) enumerates the circumstances, which in the first ages of the Gospel gave an accidental pre-eminence to the Roman Church.]

But, saith S. W., ‘Saint Gregory practised the Objection. thing, though he denied the word of Universal<sup>1</sup>’.

What hypocrisy! damn the Title as he doth, Solution.  
and yet practise the thing!—you must have good proof.

His first instance is of the Primate of Byzacium, wherein the Emperor first put forth his authority, and would have him judged by Gregory: “*Piissimus Imperator eum [juxta statuta canonica] per nos voluit judicari*”, saith Gregory<sup>2</sup>. Hence Doctor Hammond smartly and soundly observes, ‘that appeals from a Primate lie to none but the supreme magistrate<sup>3</sup>’.

To which purpose, in the cause of Maximus Bishop of Salona, decreed excommunicate by Gregory, his sentence was still with this reserve and submission, *nisi prius, etc.* “unless I should first understand by my most serene Lords (the Emperors) that they commanded it to be done<sup>4</sup>”.

Thus, if this ‘perfect’ instance (as S. W. calls it) have any force in it, his cause is gone, whatever advantage he pretends to gain by it.

Besides, the Emperor’s command was, that Gre-

<sup>1</sup> [Cf. Dr Hammond, *Dispatcher Dispatcht*, chap. v. sect. ix. § 31; *Works*, Vol. II. p. 294.]

<sup>2</sup> [Epist. Lib. VII. Indict. II. ep. lxxv; Opp. Tom. IV. col. 276, D.]

<sup>3</sup> [ubi supra, § 33.]

<sup>4</sup> [The whole sentence is as follows: “Quod ego audiens, ad eundem prævaricatorem, qui inordinate ordinatus est protinus misi ut omnino missarum solemnities celebrare nullo modo præsumeret, nisi prius a serenissimis dominis cognoscerem, si hoc fieri ipsi jussissent, quod ei sub excommunicationis interpositione mandavi.” Gregor. Epist. Lib. IV. Indict. XIII. ep. xxxiv; Opp. Tom. IV. col. 140, C.]

gory should judge him<sup>1</sup>, *juxta statuta canonica*<sup>2</sup>; and Gregory himself pleads, "*quicquid esset canonicum faceremus*"<sup>3</sup>.

Thus S. W.'s cause is killed twice by his own 'perfect' instance: for if Saint Gregory took the judgment upon him in obedience to the Emperor, and did proceed, and was to proceed in judging according to the Canons, where was then the universal Monarchy?

Yet it is confessed by Dr Hammond, which is a full answer to all the other (not so 'perfect' instances), "that in case of injury done to any by a Primate or Patriarch (there being no lawful superior, who had power over him) the injured person sometimes made his complaint to the Bishop of Rome, as being the most eminent person in the Church; and in such case he questionless might, and ought in all fraternal charity, to admonish the Primate or Patriarch what his duty was, and disclaim communion with him, unless he reform"<sup>4</sup>.

But it ought to be shewn that Gregory did formally excommunicate any such Primate or Patriarch, or juridically and authoritatively act in any such cause, without the express license of the Emperor,—which not being done, his instances are answered: besides,

<sup>1</sup> [i. e. the Primate of Byzacium, and *not* the Bishop of Salona, last mentioned.]

<sup>2</sup> [Above, p. 85.]

<sup>3</sup> ["Tamen piissimus imperator admonuit, ut transmitteremus, et quicquid esset canonicum faceremus." Greg. Epist. Lib. vii. ep. lxxv. col. 276, D.]

<sup>4</sup> [Dispatcher Disputant, chap. v. sect. ix. § 50; Works, Vol. ii. p. 296.]

Saint Gregory always pleads the ancient Canons, which is far from any claim of Universal Pastorship by Divine right, or donation of Christ to Saint Peter. "I appeal," saith Doctor Hammond, "to S. W. whether that were the interpretation of '*secundum Canones*', and yet he knows, that no other tenure but that will stand him in stead<sup>1</sup>".

Indeed, "the unhappiness is," as the Doctor observes<sup>2</sup>, "that such acts, at first but necessary fraternal charity, were by ambitious men drawn into example, and means of assuming power; which yet as they pretend from Christ to St Peter, on the score of Universal Pastorship, cannot be more vehemently prejudiced by any thing, than by these examples, which being rightly considered, pretend no higher than ecclesiastical Canons, and the universal Laws of charity;...but never made claim to any supremacy of power over all Bishops by Divine institution".

It yet appears not that Saint Gregory practised the thing, but to avoid arrogance disclaims the name of Universal Bishop.

T. C. against my Lord of Canterbury<sup>3</sup> goes another way to work: he grants the title, and also the thing signified by it, to be both renounced by Saint Gregory; but distinguishes of the term 'Universal Bishop' into grammatical, to the exclusion of all others from being properly Bishops, and metaphorical,

<sup>1</sup> [Ibid. § 51.]

<sup>2</sup> [Ibid.]

<sup>3</sup> [Labyrinthus Cantuariensis, p. 197. § 3. In this instance, as in a few others, the text of Fulwood reads *A. C.*, which was the assumed title of Fisher; whereas the author of the Labyrinthus (to which Stillingfleet replied) was *T. C. Thomas Carwell*, alias Thorold.]

[Objection.]



whereby the Bishops are secured, as such, in their respective dioceses, yet all of them under the jurisdiction of the Universal Bishop, viz. of Rome.

Solution.

This distinction Doctor Stillingfleet<sup>1</sup> destroys, not more elaborately than fully and perfectly : shewing, that it is impossible Saint Gregory should understand the term ‘Universal Bishop’ in that strict grammatical sense ; for the reason<sup>2</sup> why this title was refused, was because it seemed to diminish the honour of other Bishops, when it was offered the Bishops of Rome in a Council of six hundred and thirty Bishops ; who cannot be imagined to divest themselves by their kindness of their very office,—though they hazarded somewhat of their honour. Can we think the Council, that gave the same title to John, intended thus to depose themselves ? How comes it to pass, that none of John’s or Cyriacus’s successors did ever challenge this title, in that literal sense, if so it was understood ?

But to waive many things impertinent, it is evident Saint Gregory understood the title metaphorically, from the reasons he gives against it ; which also equally serve to prove against S. W.<sup>3</sup> that it was not so much the title as the authority of an Universal Bishop, which he so much opposed.

He argueth thus to John the Patriarch : “ What wilt thou answer to Christ the Head of the Universal Church in the day of judgment, who dost endeavour

<sup>1</sup> [Vindication of Archbp Laud, Vol. II. pp. 226, et seqq.]

<sup>2</sup> [ . . . “omnium sacerdotum honor adimitur, dum ab uno sibi dementer arrogatur,” etc. Greg. Epist. Lib. IV. Indict. XIII. ep. xxxii. col. 137, E.]

<sup>3</sup> [Above, p. 85.]

to subject all his members to thee, under the name of Universal Bishop<sup>1</sup>?"

Again, doth he not "arise to the height of singularity, that he is subject to none, but rules over all<sup>2</sup>?" And can you have a more perfect description of the present Pope than is here given? Or is it the title or the power, that makes him subject to none, that 'rules over all'?

Again, he imitates the<sup>3</sup> pride of Lucifer, endeavouring to be Head (not sure in title, but power) of the Church triumphant, as the Pope of the Church militant: exalting his throne (not his name), as Gregory adds, above the stars of God, viz, the Bishops, and the height of the clouds<sup>4</sup>.

Again, Saint "Peter was the first member of the Church: Paul, Andrew, and John, what are they else but Heads of particular Churches? And yet they are all members of the Church under one Head<sup>5</sup>", (i.e. Christ, as before<sup>6</sup> he had said):—we see he allows not Peter himself to be Head of the Church. "None that was truly holy, was ever called by that name of

<sup>1</sup> ["Tu quid Christo, universalis sanctæ ecclesiæ capiti in extremi judicii es dicturus examine, qui cuncta ejus membra tibi met conaris universalis appellatione supponere?" Lib. iv. Indict. xiii. ep. xxxviii; Opp. Tom. iv. col. 145, D.]

<sup>2</sup> [... "ad culmen conatus est singularitatis erumpere ut et nulli subesse, et solus omnibus præesse videretur?" Ibid.]

<sup>3</sup> [Ibid.]

<sup>4</sup> [Ibid. Gregory here quotes Isaiah xiv. 12—15.]

<sup>5</sup> ["Certe Petrus apostolus primum membrum sanctæ et universalis ecclesiæ est. Paulus, Andreas, Johannes, quid aliud quam singularium sunt plebium capita? Et tamen sub uno capite omnes membra sunt ecclesiæ." Ibid. col. 146, A.]

<sup>6</sup> [Above, note 1.]

Universal Bishop<sup>1</sup> :”—which he makes to be the same with the Head of the Church.

But lastly, suppose St Gregory did mean, that this title in its strict grammatical sense was to be abhorred, and not as metaphorically taken. What hath the Pope gained, who at this day bears that title in the highest and strictest sense imaginable? as the Doctor<sup>2</sup> proves; and indeed [it] needs no proof, being evident of itself, and to the observation of the whole world. Thus all the hard words of St Gregory uttered so long ago, against such as admitted or desired that title, unavoidably fall upon the modern Roman Bishops, that take upon them to be the sole Pastors of the Church; and say that they are Œcumenical Bishops, and that all jurisdiction is derived from them. They are ‘Lucifers’ and ‘Princes of Pride’; using a ‘vain, new, rash, foolish, proud, profane, erroneous, wicked, hypocritical, singular, presumptuous, blasphemous, name;’ as that holy Pope inveighed against it. Moreover, as he also adds, ‘they transgress God’s laws, violate the Canons, dishonour the Church, despise their brethren, and cause Schism’<sup>3</sup>.

Objection.

But it is said<sup>4</sup>, that ‘Pope Victor excommunicated the Asian Churches all at once. Therefore (saith A. C.) the Pope had of right some authority over the

<sup>1</sup> [... “quo (nomine) vocari nullus præsumpsit, qui veraciter sanctus fuit.” Ibid.]

<sup>2</sup> [Stillingfleet’s Vindication, Vol. II. pp. 232, et seqq.]

<sup>3</sup> [Cf. Lib. IV. epp. 32, 34, 36, 38, 39; Lib. VI. epp. 24, 28, 30, 31; Lib. VII. ep. 70; *passim*.]

<sup>4</sup> [See Archbp Laud’s Conference with Fisher, sect. XXV. § 13, p. 150. ed. Oxf. 1839; and Bp Stillingfleet’s Vindication; Vol. II. pp. 238, 239.]

Asian Bishops, and by consequence over the whole Church; and this appears in that Irenæus, in the name of the Gallican Bishops, writes to Victor not to proceed so rashly in this action; as appears in Eusebius'.

(1) We answer, that those Bishops among whom Irenæus was one, did severely rebuke that Pope for offering to excommunicate those Asian Churches<sup>1</sup>:—therefore they did not believe him to be the supreme, infallible Pastor of the whole Church.

(2) His letters declaring that excommunication, not pleasing all his own Bishops, they countermanded<sup>2</sup> him:—surely not thinking him to be what Popes would now be esteemed.

(3) Hence Cardinal Perron is angry with Eusebius, and calls him an Arian, and an enemy to the Church of Rome; for hinting, that though the Pope did declare them excommunicate, yet it took no effect, because other Bishops continued still in communion with them<sup>3</sup>.

(4) But the force of the whole argument leans upon a plain mistake of the ancient discipline, both in the nature, and the root or ground of it.

For the nature of ancient excommunication, especially when practised by one Church against another, did not imply a positive act of authority, but a negative act of charity; or a declaring against the communion of such with themselves; and therefore was

Mistake of  
the Nature  
and Root  
of Disci-  
pline.

<sup>1</sup> [Φέρονται δὲ καὶ αἱ τούτων φωναὶ, πληκτικώτερον καθαπτομένων τοῦ Βίκτορος. Ἐν οἷς καὶ ὁ Εἰρηναῖος, κ. τ. λ. Euseb. Hist. Eccl. Lib. v. c. 24. Tom. i. p. 369; ed. Oxon. 1838.]

<sup>2</sup> [Ἀντιπαρακελεύονται δὴτα αὐτῷ, κ. τ. λ. Ibid.]

<sup>3</sup> [Cardinal du Perron's Reply to the King of Great Britain, Book II. chap. VI. p. 163, Engl. Transl. Douay, 1630.]



done by equals to equals, and sometimes by inferiors to superiors. In equals,—thus, Johannes Antiochenus<sup>1</sup>, in the Ephesine Council, excommunicated Cyril, Patriarch of Alexandria; and in inferiors (in the sense of our Roman adversaries)—for the African Bishops excommunicated Pope Vigilius<sup>2</sup>. Hence also, Acacius<sup>3</sup>, the Patriarch of Constantinople, expunged the name of Felix, Bishop of Rome, out of the diptychs of the Church; and Hilary anathematized Pope Liberius<sup>4</sup>. Therefore Victor's declaring the Asian Churches to be excommunicate, is no argument of his power over them.

Secondly, the root or ground of the ancient discipline is also as plainly mistaken,—which was not authority always, but care and charity. Care, I say, not only of themselves who used it, but also of the Church that was censured, and indeed of the whole Church.

It is here proper to consider, that though Bishops had their peculiar seats, and limits for their jurisdic-

<sup>1</sup> [The circumstances are fully related by Fleury, *Histoire Eccles. Liv. xxv. s. 45.*]

<sup>2</sup> Victor Tununensis, *Chronicon*, p. 10, [col. 1; apud *Thesaur. Temporum*, opera J. Scaliger. Amstelod. 1658: "Post consulatum Basilii, v. c. anno  $\bar{x}$ . Africani antistites Vigilium Romanum episcopum damnatorem  $\bar{iii}$ . Capitulorum synodaliter a Catholica communione, reservato ei pœnitentiæ loco, recludunt," etc. Cf. Fleury, *Liv. xxxiii. s. 26, 32.* In the sixth General Council, Honorius, Bishop of Rome, was anathematized as a Monothelite. See Bingham, *Antiquities*, Book xvi. chap. iii. s. 12, and Dr Routh's *Opuscula*, Vol. II. p. 153, and notes.]

<sup>3</sup> [Fleury, *Hist. Eccl. Liv. xxx. s. 17.*]

<sup>4</sup> ["Iterum tibi anathema et tertio, prævaricator Liberi!" *Fragment. S. Hilar.*; *Opp. coll. 426, 427*; ed. Paris. 1631. See Bower's '*Lives of the Popes*,' Vol. I. pp. 136, 137. Lond. 1748. The Abbé Fleury makes no attempt to deny the apostasy of Liberius. "Il renonça à la communion de saint Athanase, et embrassa celle des Orientaux, c'est-à-dire, des Ariens." *Hist. Eccl. Liv. xiii. s. 46.*]

tions, yet they had all a charitive inspection and care of that Universal Church, and sometimes denominations accordingly.

Hence we deny not that the ancient Bishops of Rome deservedly gained the title of Œcumenical Bishops,—a thing of so great moment in the controversy, that, if well considered, might advance very far towards the ending of it. For so the title hath been given to others, as well as the Bishop of Rome; and therefore, it could not argue any authority peculiar to him. Also the same universal care of the Church (the occasion of the title) hath been acknowledged in others as well as in him; and indeed the power, which is the root of that care, as the occasion of that title, is founded in all Bishops.

Here are three things noted, which may be distinctly considered. Three  
Notes.

(1) Power is given to all Bishops with an immediate respect to the good of the whole Church; so that if it were possible, that every particular Bishop could take care of the whole Church, they have authority enough in their function to do it,—though it be impossible, and indeed inconsistent with peace and order, that all should undertake it. And therefore they have their bounds and limits set them; hence their particular dioceses: therefore, as St Cyprian, ‘there is but one Bishopric in the whole world, a part of which is held by every Bishop<sup>1</sup>’.

<sup>1</sup> [“Episcopatus unus est, cujus a singulis in solidum pars tenetur.” De Unitate Ecclesiæ, cap. v. ‘In solidum’ is a law-phrase, and signifies that part of this one episcopacy is so committed to every single bishop, that he is nevertheless charged with taking care of the whole. Leslie’s Answer to the Bp of Meaux: Works, Vol. III. p. 231; Oxf. 1832.]

(2) Thus we find in the primitive Church, that every Bishop had his particular charge, yet they still regarded the common good; extending their care (the second thing observed) sometimes beyond their own division, by their counsel and direction,—yea, and exercised their functions sometimes in other places. Of which Dr Stillingfleet<sup>1</sup> gives many instances in Polycarp, Ignatius, Irenæus, St Cyprian, Faustus.

Yea, upon this very ground, Nazianzen<sup>2</sup> saith of St Cyprian, that ‘he not only governed the Churches of Carthage, but all the western parts, and even almost all the eastern, southern, and northern too, as far as he went’.

Arsenius speaks more home to Athanasius<sup>3</sup>: “We embrace (saith he) peace and unity with the Catholic Church, over which, thou, through the grace of God, dost preside”. Whence Gregory Nazianzen<sup>4</sup> saith of Athanasius, that ‘he made laws for the whole earth’. And St Basil<sup>5</sup> writes to him, ‘that he had care of all the Churches as of his own’; and calls him ‘the Head and Chief of all’.

And St Chrysostom<sup>6</sup> in the praise of Eustathius,

<sup>1</sup> Rational Account, pp. 424, 425; [Vol. II. p. 216, new edit.]

<sup>2</sup> Orat. XVIII. p. 281, [A. Opp. Paris. 1619; Οὐ γὰρ τῆς Καρχηδονίων προκαθίσταται μόνον ἐκκλησίας, . . . ἀλλὰ καὶ πάσης τῆς ἐσπερίου, κ. τ. λ.]

<sup>3</sup> Athanas. ad Imperator. Constant. Apol. [Opp. Tom. I. p. 786, D. Καὶ ἡμεῖς ἀσπαζόμενοι τὴν εἰρήνην καὶ ἑνώσιν πρὸς τὴν καθολικὴν ἐκκλησίαν, ἧς συ κατὰ χάριν Θεοῦ προϊστάσαι, κ. τ. λ.]

<sup>4</sup> Orat. XXI. p. 392, [C: νομοθετεῖ δὲ τῇ οἰκουμένῃ πάλιν.]

<sup>5</sup> Ep. LI. [Opp. Tom. III. p. 79; ed. Paris. 1638.]

<sup>6</sup> Opp. Tom. V. p. 631. ed. Savil. [Tom. II. 607, B. ed. Paris. 1718; Καὶ γὰρ ἦν πεπαιδευμένος καλῶς παρὰ τῆς τοῦ Πνεύματος χάριτος, ὅτι τῆς ἐκκλησίας προεστῶτα οὐκ ἐκείνης μόνῃς κήδεσθαι δεῖ . . .

the Patriarch of Antioch, saith, that ‘he was instructed by the Divine Spirit, that he was not only to have care of that Church over which he was set, but of the whole Church throughout the world’.

Now what is this but to say in effect, these great men were Universal Bishops, though indeed, they none of them had power of jurisdiction over any Church but their own; as, notwithstanding the general care of the ancient good Bishops of Rome, had of the good of the whole—and their influence and reverence in order thereunto—the Bishops of Rome had not.

(3) Upon the former ground and occasion, some Bishops in the most famous Churches had the honour of the title of Œcumenical or Universal Bishops.

But here we must confess, the Bishops of Rome had the advantage, being the most famous of all; both by reason of their own primitive merit, and the glory of the empire, especially the latter.

The Roman empire was itself accounted ‘Universal’; and the greatness of the empire advanced the Church to the same title, and consequently the Bishops of that Church above others.

1. That the Roman empire was so, appears by a multitude of testimonies, making *orbis Romanus* and *orbis humanus* synonymous, collected by Dr Stillingfleet<sup>1</sup>. Hence Ammianus Marcellinus calls Rome *caput mundi*, ‘the head of the World’; and the Roman Senate *Asylum mundi totius*. And it was usual then to call whatever was out of the Roman empire *bar-*

ἀλλὰ καὶ πάσης τῆς κατὰ τὴν οἰκουμένην κειμένης. Other proofs of this position may be seen in Bingham, Book II. chap. v.]

<sup>1</sup> Rational Account, pp. 425, 426; [Vol. II. pp. 218, 219. new ed.]



*baria*, as the same Doctor<sup>1</sup> proves at large. Therefore that empire was called in Greek ἡ οἰκουμένη<sup>2</sup>.

2. Some Bishops in the great Churches in the Roman empire were called Œcumenical, as that relates to the ἡ οἰκουμένη; viz. the Roman empire. This appears because the very ground of the advancement of the Patriarch of Constantinople was the greatness of the city, as appears in the Councils of Constantinople and Chalcedon<sup>3</sup> about it; and the privileges of old Rome gave the measure of the privileges of new Rome.

And in probability, the ground of that Patriarch's usurping the title of Œcumenical Patriarch was but to correspond with the greatness of his city, which was then the seat of the empire; as Dr Stillingfleet very reasonably conjectures<sup>4</sup>.

Moreover, all the three Patriarchs of Alexandria, Antioch, and Constantinople, had expressions given them tantamount to that title:—‘the government of the whole world’, ‘the care of all the Churches’, ‘the government as it were of the whole body of the Church’, as Dr Stillingfleet<sup>5</sup> particularly shews. But most clear and full to that purpose, as he observes, is the testimony of Theodoret concerning Nestorius being made Patriarch of Constantinople: “He was intrusted with the government of the Catholic Church of the orthodox at Constantinople, and thereby of the whole world<sup>6</sup>”.

<sup>1</sup> Ibid.

<sup>2</sup> Acts xi. 28. [Luke ii. 1]

<sup>3</sup> [See above, p. 35, note 1.]

<sup>4</sup> [Vol. II. p. 219. Cf. Bingham, Book II. chap. xvii. s. 21.]

<sup>5</sup> [Ibid.]

<sup>6</sup> Theodor. Hæret. Fabul. Lib. IV. c. 12; Opp. Tom. IV. p. 245.

Where shall we find so illustrious a testimony for the Bishop of Rome? Or, if we could, we see it would prove nothing peculiar to him.

Therefore, if the Council of Chalcedon<sup>1</sup> did offer the title of Universal Patriarch, or if they did not,—but as the truth rather is, some papers, received in that Council, did give him that title,—it signifieth nothing to prove the Pope's universal authority.

Therefore Simon Vigorius<sup>2</sup> ingenuously confesseth, that 'when the Western Fathers call the Roman Bishops *Bishops of the universal Church*, they do it from the custom of their Churches, not that they look on them as Universal Bishops of the whole Church, but in the same sense, that the Patriarchs of Constantinople, Antioch, Alexandria, Jerusalem, are called so; or as they are universal over the Churches under their own patriarchate; or that in Œcumenical Councils, they preside over the whole Church:' and after acknowledgeth, that the title of Universal or Œcumenical Bishop makes nothing for the Pope's Monarchy.

It is too evident, that the humble Pope Gregory seems to glorify himself, while he so often mentions

[A. ed. 1642 :...τῆς κατὰ Κωνσταντινούπολιν τῶν ὀρθοδόξων καθολικῆς ἐκκλησίας τὴν προεδρίαν πιστεύεται, οὐδὲν δὲ ἦττον καὶ τῆς οἰκουμένης ἀπάσης.]

<sup>1</sup> [Gregory (Epist. Lib. iv. Indict. xiii. ep. xxxii.) speaks as if this title was formally offered and declined. The true state of the case is somewhat different, as Bishop Stillingfleet shews from the Acts of the Council. 'Vindication;' Vol. ii. pp. 220, 221.]

<sup>2</sup> Comment. ad Resp. Synodal. Concil. Basil. p. 37; [quoted by Stillingfleet, Vol. ii. p. 221.]

that offer of the title of Universal, and his refusing of it, and inveighing against it; and that these were engines used by him to deprive others of the same title, if not to advance his own see to the power signified by it;—though if he did indeed design any such thing, it is an argument that he was ashamed openly to claim or own it, while he rails against the title (in the effects of it, which depended upon the power itself) as such an abominable thing.

However, if the Council of Chalcedon did indeed offer (or only record) that title to Gregory, it is more than manifest, it could not possibly be intended to carry in it the authority of the whole Church, or any more than that qualified sense of Vigorius before mentioned; because other Patriarchs had the same title,—and we see no reason to believe, that that Council intended to subject themselves and all Patriarchs to the authority of the Western Pope, contrary to their great design of advancing the see of Constantinople to equal privileges with that of Rome; as appears by their fifteenth Session, Canon xxviii, and their Synodical Epistle to Pope Leo<sup>1</sup>.

Thus the bare title is no argument,—and by what hath been said touching the grandeur of the Roman empire, and the answerable greatness and renown of the Roman Church, frequent recourse had unto it from other Churches, for counsel and assistance, is of

<sup>1</sup> [See this letter in Labbe, Concil. Tom. iv. 834, et seqq. Leo opposed the twenty-eighth Canon of Chalcedon, on the plea that it violated the sixth Nicene Canon, which gave the second rank to Alexandria. Notwithstanding his opposition, the Canon stood its ground.]

no more force to conclude her supremacy, nor any matter of wonder at all.

Experience teacheth us that it is and will be so in all cases; not only a renowned Lawyer, Physician, but Divine, shall have great resort, and almost universal addresses. An honest and prudent countryman shall be upon all commissions; the Church of Rome was then famous both for learning, wisdom, truth, piety, and I may add tradition itself, as well as greatness, both in the eye of the world and all other Churches; and her zeal and care for general good, keeping peace, and spreading the grace of the Gospel, was sometimes admirable. And now no wonder that applications in difficult cases were frequently and generally made hither, which at first were received and answered with love and charity, though soon after the ambition of Popes knew how to advance, and hence to assume authority.

From this, we see, it was no great venture (however T. C. term it), for Archbishop Laud to grapple with the authority of Irenæus, who saith<sup>1</sup>, 'To this Church (meaning Rome) *propter potentiores principatitatem*, for the more powerful principality of it, it is necessary that every Church, that is the faithful *undique*, should have recourse; *in qua semper ab his qui sunt undique conservata est ea quæ est ab Apostolis traditio.*'

<sup>1</sup> [Adv. Hæres.] Lib. III. c. 3. [Tertullian has a similar passage (De Præscriptione, cap. XXXVI.) where he refers the disputant, if in Achaia, to Corinth; if in proconsular Asia, to Ephesus; if in Italy or Africa, to Rome; all these being apostolical Churches, and therefore likely to have retained the true doctrine. See Dr Routh's Opuscula, Vol. I. p. 151, and note, p. 206.]



His lordship seems to grant the whole,—Rome being then the imperial city, and so a Church of more powerful authority than any other, yet not the head of the Church Universal. This may suffice without the pleasant criticizing about *undique*, with which, if you have a mind to be merry, you may entertain yourself in Dr Stillingfleet<sup>1</sup>.

But indeed A. C. is guilty of many mistakes in reasoning, as well as criticizing: he takes it for granted, that this principality is attributed by Irenæus here to Rome, as the Church, not as the city. (2) That the necessity arising hence was concerning the Faith, and not secular affairs; neither of which is certain, or in likelihood true<sup>2</sup>.

Besides, if both were granted, the necessity is not such as supposeth duty or authority in the faithful, or in Rome; but (as the sense makes evident) a necessity of expedience, Rome being most likely to give satisfaction touching that tradition about which that dispute was.

Lastly, the principality here implies not proper authority, or power to decide the controversy: one kind of authority it doth imply, but not such as T. C. inquired for,—not the authority of a governor, but of a conservator; of a conservator of that truth, that being made known by her, might reasonably end the quarrel; not of an absolute governor, that might command the Faith, or the agreement of the dissenters. This is evident, (1) Because the dispute was about a matter of fact, whether there was any

<sup>1</sup> p. 441, etc. [Vol. II. pp. 243, et seqq. new edit.]

<sup>2</sup> p. 444, [Vol. II. p. 247.]

such tradition or not, as the Valentinians pretended. (2) Because Irenæus refers them to Rome under this reason, *conservata est*, ‘the Apostolical traditions are kept there,’ being brought by the faithful *undique* thither; and therefore brought thither, because of the more principality of the city all persons resorted thither.

Lastly, it is acknowledged that Pope Gregory<sup>1</sup> doth say, that ‘if there be any fault in Bishops, it is subject to the Apostolical see; but when their fault doth not exact it, that then upon the account of humility all were his equals.’ Objection.

Indeed, this smells of his ambition and design before spoken of; but if there be any truth in it, it must agree with the Canon Saint Gregory himself records, and suppose the faulty Bishop hath no proper Primate or Patriarch to judge him; also with the proceeding then before him, and suppose complaint to the Emperor, and the Emperor’s subjecting the cause to the Apostolical see; as that cause was by Saint Gregory’s own confession<sup>2</sup>. Solution.

However what he seems here to assume to his own see, he blows away with the same breath, denying any ordinary jurisdiction and authority to be in that see over all Bishops, while he supposes a fault necessary to their subjection, and that while there is no fault all are equal:—which is not true, where by

<sup>1</sup> [Gregor. Epist. Lib. VII. Indict. II. ep. lxx. col. 276, E: “Nam quod se dicit sedi Apostolicæ subjici, si qua culpa in Episcopis invenitur, nescio quis ei Episcopus subjectus non sit. Cum vero culpa non exigit, omnes secundum rationem humilitatis æquales sunt.”]

<sup>2</sup> [See above, p. 85.]

a lawful standing ordinary government there is an eternal necessity of superiority and inferiority.

But of this I had spoken before, had I thought (as I yet do not) that there is any weight or consequence in the words.

Further evidence, that the ancient Popes themselves, though they might thirst after it, did not believe that they were Universal Bishops and Monarchs over the whole Church, and that they did not pretend to it in any such manner as to make the world believe it;—I say, further evidence of this, ariseth from their acknowledged subjection to the civil magistrate in ecclesiastical affairs.

Pope Leo<sup>1</sup> beggeth the Emperor Theodosius with tears, ‘that he would command’ (not permit) ‘a Council to be held in Italy:’—that sure was not to signify his authoritative desires.

That instance of Pope Agatho<sup>2</sup>, in his Epistle to the Emperor, is as pertinent as the former; “with praise we admire your purpose well pleasing to God” (not to the Pope), and “for these commands of yours we are rejoiced, and with groans out of the depth of our heart give thanks to God.” And many such, Doctor Hammond<sup>3</sup> saith, might be afforded.

<sup>1</sup> [Epist. Decretal. xxiv; Opp. p. 114. col. 2, D; ed. Paris. 1637: “Omnes partium nostrarum Ecclesiæ, omnes mansuetudinis vestræ cum gemitibus et lachrymis supplicant sacerdotes, ut...generalem synodum jubeatis intra Italiam celebrari,” etc.]

<sup>2</sup> Concil. Tom. v. pp. 60, 61. [ed. Bin. Paris. 1636: ’Επεὶ δὲ εὐσεβέστατοι καὶ ἀνδριότατοι βασιλέων τῆς σεβασμίας ὑμῶν εὐσεβείας σὺν ἐπαίνῳ θαυμάζομεν τὴν θεαρέστον πρόθεσιν...ἡλαρυνόμενοι περὶ τῆς τοιαύτης εὐσεβοῦς προθέσεως, μετὰ τῶν ἐκ βάθους τῆς καρδίας ὀδυρμῶν εὐχαριστεῖν ἀπηρξάμεθα.]

<sup>3</sup> [Works, Vol. II. p. 290, § 5.]

Pope Gregory received the power of hearing and determining causes several times (as he himself confesseth) from the Emperor; as we shewed before<sup>1</sup>.

Hence Pope Eleutherius<sup>2</sup> to King Lucius, "You are the Vicar of Christ:"—the same in effect which is contained in the laws of Edward the Confessor<sup>3</sup>.

And Pope Urban<sup>4</sup> the Second entertained our Archbishop Anselm, in the Council of Bari, with the title of the Pope of another world, or (as some relate it) the 'Apostle of another world, and a Patriarch worthy to be revered.'

Now when the Bishops of Rome did acknowledge that the civil magistrate had power to command the assembling of General Councils, and to command Popes themselves to hear and determine ecclesiastical causes;—when they acknowledged the King of England to be the Vicar of Christ, and the Archbishop of Canterbury Pope of another world;—we may, I think, safely conclude that whatever they thought of the primacy of dignity, they did not believe themselves, or give occasion to others to believe, that they had then the jurisdiction of England, much less of the whole world.

Indeed, the power of Emperors over Popes was exercised severely, and continued long in practice<sup>5</sup>.

<sup>1</sup> [See above, p. 85.]

<sup>2</sup> [For the reply attributed to Eleutherius, see Collier, *Eccles. Hist.* Book i. cent. i: Vol. i. p. 14; ed. Lond. 1708.]

<sup>3</sup> [*Leges Edw. Confess.* § xvii; in 'Ancient Laws and Institutes,' ed. Thorpe, Vol. i. p. 449.]

<sup>4</sup> [Vid. W. Malmesbur. in Anselm. p. 223, l. 33; ed. Francof. 1601; Archbp Laud's Conference with Fisher, sect. xxv. § x. p. 141, ed. Oxf. 1839.]

<sup>5</sup> Vid. King James's Defence [of the right of Kings; Works,



A. D. 654, Constantius bound and banished Pope Martin —A. D. 963, Otho rejected Pope John XIII. and made Leo VIII. Pope: and John XIV., Gregory V. and Sylvester II. were made Popes by the Otho's.—A. D. 1007, Henry II. deposed three Popes. This practice is confessed till Gregory VII.; and before A. D. 679, Popes submitted to Emperors by purchasing their investitures of them, by submissive terms, and bowing the knee before them.

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## SECTION VIII.

### NOR THE WORDS OF THE IMPERIAL LAW.

**I**F the ancient Councils, or practice, or Popes themselves, offered nothing to persuade our ancestors to a belief of the Pope's universal power or possession of England, certainly we may despair of finding any such thing in the ancient Laws of the Church;—which are justly presumed to contain the sense and rule of all. “Were all other records of antiquity silent,” saith our late Primate<sup>1</sup>, “the Civil Law is proof enough:” for that is a monument of the Primitive Church; and not only so, it being the Imperial, as well as Canon Law, it gives us the reason and Law both of the Church and the whole world.

Now what saith the Law? It first forbids the title, and then the practice.

pp. 408, 409. ed. Lond. 1616. These and other similar instances are there related on the authority of Platina, Baronius, and Sigebert of Gemblours.]

<sup>1</sup> [Archbp Laud, Conference with Fisher, sect. xxv. § x. p. 141. ed. 1839.]

*Primæ sedis Apostolus*, ‘the Patriarch or Bishop of the first see,’ is not to be called Prince of the Priests or Supreme Priest<sup>1</sup>, nor, as the African Canon adds, *aliquid hujusmodi*, ‘any other thing of that kind<sup>2</sup>.’

The practice of any such power was expressly forbidden, and not the proud title only: the very text of the Law saith, *a Patriarcha non datur Appellatio*, ‘from a Patriarch there lies no appeal<sup>3</sup>.’

And this we have found agreeable to the Milevitan Council<sup>4</sup> (where Saint Augustine was present), forbidding under pain of excommunication any appeal to any foreign Councils or Judicatures: and this is again consonant to the fifth Canon of Nice<sup>5</sup>, as that was to the thirty-fourth Apostolic<sup>6</sup>,—where the Primate in every nation is to be accounted their head.

Now what do our adversaries say to this? Indeed they seem to be put to it; and though their wits are very pregnant to deliver many answers (such as they be) in most cases, they all seem to join in one poor slight evasion here; namely, that ‘the Laws concerning appeals did only concern inferior Clergymen, but Bishops were allowed to appeal to Rome, even by the

<sup>1</sup> Corpus Juris Canon. Decret. Part 1. Distinct. xcix. c. iii. [“*Primæ sedis Episcopus non appelletur princeps sacerdotum, vel summus sacerdos.*”]

<sup>2</sup> [Ibid.]

<sup>3</sup> Cod. Theodos. Lib. 1. Tit. iv. § 29; Authent. Collat. ix. Tit. xv. c. 22.

<sup>4</sup> Can. xxii; [Labbe, Concil. Tom. II. 1542.]

<sup>5</sup> [Labbe, Concil. Tom. II. 32, A.]

<sup>6</sup> [Patres Apostol. ed. Coteler. Tom. I. p. 442.]

African Canon, and acknowledged in that Council's Epistle to Pope Boniface.'

Three bold sayings: (1) that the Law concerned not the appeals of Bishops. (2) The Council of Africa decreed Bishops' appeals to Rome. (3) And acknowledged it in their Letter to Pope Boniface. But are these things as truly as boldly said? For the first which is their comment, whereby they would restrain the sense of the Laws, to the exclusion of the Bishops, we shall consider their ground for it, and then propose our reason, and the Law expressly against it; and then their reasons will need little answer.

Objection. They say the Law reacheth not the difference between Patriarchs themselves.

Solution. But if there should happen a difference betwixt a Patriarch and the Pope, who shall decide that? Both these inconveniences are plainly solved by referring all such extraordinary difficulties to a General Council.

But why should the Law allow foreign appeals to Bishops and not to Priests? Are all Bishops Patriarchs? Is not a Patriarch over his Bishops, as well as a Bishop over his Priests? May not the *gravamen* of a Priest be given by his Bishop, or the difference among Priests be as considerable<sup>1</sup> to the Church sometimes as among Bishops? Or hath not the Universal Pastor, if the Pope be so, power over and care

<sup>1</sup> Cælestius [who went to Rome] denied the necessity of grace, [and for his Pelagianism had been previously condemned by two Synods held at Carthage in A. D. 412, and 416. Labbe, Concil. Tom. II. 1510, 1533.]

of Priests as well as Bishops? Or can the *Summum Imperium* receive limits from Canon or Law? To say, that Priests are forbidden to appeal, but the Pope is not forbidden to receive their Appeals, is plainly to cripple the Law, and to make it yield to all the inconveniences of foreign appeals against its true end.

But what if this very Canon, they pretend to allow appeals from Bishops to Rome, do expressly forbid that very thing it is brought to allow? And it doth so undeniably, as appears in the authentic collection of the African Canons<sup>1</sup>; *non provocent ad transmarina judicia, sed ad primates suarum provinciarum, aut ad universale Concilium, sicut et de Episcopis sæpe constitutum est*. The same thing 'had often been determined in the case of Bishops.'

Perron<sup>2</sup> and others say, 'this clause was not in Objection. the ancient Milevitan Canons.'

Have they nothing else but this groundless conceit to support their universal Pastorship against express Law, for four hundred years after Christ? Sure it behoved highly to produce a true authentic copy of those Canons, wherein that clause is omitted;—which because they do not, we conclude they cannot.

However, it is manifest, that the same thing against appeals of Bishops to Rome had been often determined, by far greater testimony than the bare asser-

<sup>1</sup> [Vid. Cod. Canon. Eccles. African. can. xxviii; apud Labb. Concil. Tom. II. 1064, B.]

<sup>2</sup> [Reply to King James, Book III. chap. x. pp. 329, et seqq. English Transl. Douay. 1630.]



tion of Perron and his partners, viz. that general Council of Carthage, A.D. 419, about three years after that Milevitan. At the end of the first Session, they reviewed the Canons of the seventeen lesser Councils, which Justellus mentions;—and wherein, no doubt, that point had been often determined;—and out of them all composed that *Codex canonum Ecclesie Africanæ*, with that clause inserted; as appears both in the Greek and many ancient Latin copies, and was so received and pleaded by the Council of Rheims, as Hincmarus proves as well as others<sup>1</sup>.

Gratian confesseth it, but adds this antidote<sup>2</sup>, *Nisi forte Romanam Sedem appellaverit*, i.e. ‘none shall appeal to Rome (the main design of this Council) except they do appeal to Rome;’—not expounding the Canon, but exposing himself and that excellent Council.

Objection.

But T. C. urgeth<sup>3</sup> the Epistle of that Council to Boniface (as was before noted), and thence proves that the Council acknowledged, that Bishops had power in their own cause to appeal to Rome.

Solution.

It is true, they do say<sup>4</sup> that, in a letter written a year before to Zosimus, they had granted liberty to Bishops to appeal to Rome. This is true, but scarce honest,—the next words in the letter spoil the argument and the sport too: for they further say<sup>5</sup>, that

<sup>1</sup> [These particulars are abridged from Bp Stillingfleet, *Vindication*, Vol. II. p. 188, who states them on the authority of Justel's Preface to the *Codex Canonum Eccl. African.*]

<sup>2</sup> [Apud Labb. *Concil. Tom. II.* 1554, A.]

<sup>3</sup> [Stillingfleet's *Vindication*, Vol. II. p. 190.]

<sup>4</sup> [Epist. ad Bonif. apud Labb. *Concil. Tom. II.* 1140, c. D.]

<sup>5</sup> [Ibid. 1141, c.]

because the Pope contended that the appeals of Bishops were contained in the Nicene Canons, they were contented to yield that it should be so, till the true Canons were produced.

Now what can the reader desire to put an eternal end to this controversy—and consequently to the claim of the Universal Pastor in this age—but an account of the judgment of this Council, when they had received the copy of the Nicene Canons (on which the point depended) out of the East.

This you have in that excellent Epistle of theirs to Pope Cœlestine, who succeeded Boniface; and the elaborate Dr Stillingfleet<sup>1</sup>, who searcheth all things to the bottom, hath transcribed it at large, as a worthy monument of antiquity, and of very great light in the present controversy. To him I shall refer the reader for the whole, and only note some few expressions to the purpose.

‘We’ (say they) ‘earnestly beseech you to admit no more into your Communion those whom we have cast out: for your reverence will easily perceive that this is forbid in the Council of Nice. For if this be taken care for, as to the inferior Clergy and Laity, how much more would it have it to be observed in Bishops?...The Decrees of Nice have subjected both the inferior Clergy and Bishops to their Metropolitans; for they have most wisely and justly provided, that every business be determined in the place where it began...Especially seeing that it is lawful to every one, if he be offended, to appeal to the Council of the

<sup>1</sup> Rational Account, pp. 410, 411; [Vol. II. pp. 191, et seqq.; new edit.]

province, or even to an universal Council....Or how can a judgment made beyond the sea be valid, to which the persons of necessary witnesses cannot be brought, by reason &c. For this sending of men to us from your holiness, we do not find it commanded by any Synod of the Fathers. And as for that which you did long since send to us by Faustinus, our fellow Bishop, as belonging to the Council of Nice, we could not find it in the truest copies, sent by holy Cyril our colleague, Bishop of Alexandria, and by the venerable Atticus, Bishop of Constantinople; which also we sent to your predecessor Boniface, &c....Take heed also of sending to us any of your clerks for executors to those who desire it, lest we seem to bring the swelling pride of the world into the Church of Christ....And concerning our brother Faustinus (Aparius being now for his wickedness cast out of the Church of Christ,) we are confident that our brotherly love continuing...Africa shall no more be troubled with him.'

This is the sum of that famous Epistle:—the Pope and the African Fathers referred the point in difference to the true Canons of the Nicene Council,—the Canons determine against the Pope, and from the whole story it is inferred evidently,—

(1) That Pope Boniface himself implieth his jurisdiction was limited by the General Council of Nice, and that all the Laity and Clergy too (except Bishops) that lived beyond the seas, and consequently in England, were exempted from his jurisdiction by that Council.

(2) Pope Boniface even then, when he made his

claim and stood upon his terms with the African Fathers, pleads nothing for the appeals of transmarine Bishops to Rome, but the allowance of the Council of Nice,—no '*Tu es Petrus*' then heard of.

(3) Then it seems the practices of Popes themselves were to be ruled and judged by the ancient Canons and Laws of the Church.

(4) The African Fathers declared the Pope fallible and actually mistaken, both as to his own power and sense of the Council; proving substantially that neither authority from Councils, nor any foundation in justice, equity or order of government, or public-conveniency, will allow or suffer such appeals to Rome; and that the Pope had no authority to send Legates to hear causes in such cases.

All these things lie so obviously in prejudice both of the Pope's possession and title, as Universal Pastor at that time, both in his own and the Church's sense, that to apply them further would be to insult; which I shall forbear, seeing Baronius is so ingenuous as to confess, there are some 'hard things' in this Epistle, and Perron hath hereupon exposed his wit with so much sweat and so little purpose, but his own correction and reproach,—as Dr Stillingfleet notes<sup>1</sup>.

Yet we may modestly conclude from this one plain instance, that the sense of the Nicene Council was defined by the African Council, to be against the Pope's supremacy, and consequently they did not submit to it nor believe it; and a further consequence to our purpose is, that then the Catholic Church did

<sup>1</sup> [Vindication, Vol. II. p. 198.]



not universally own it:—i.e. the Pope's supremacy then had not possession of the faith of the whole Church. For as T. C. maintains<sup>1</sup>, the Africans, notwithstanding the contest in the sixth Council of Carthage, 'were always in true Catholic Communion with the Roman Church, even during the term of this pretended separation:' and Cœlestine himself saith, that Saint Augustine, one of those Fathers, 'lived and died in the Communion of the Roman Church<sup>2</sup>.'

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## SECTION IX.

### THE CONCLUSION TOUCHING POSSESSION ANCIENTLY.

WE hope it is now apparent enough, that the Pope's supremacy had no possession in England from the beginning, or for the first six hundred years, either *de facto* or *in fide*. Our ancestors yielded not to it; they unanimously resisted it, and they had no reason to believe it, either from the Councils or practice of the Church, or from the edicts and rules of the imperial Law, or the very sayings of the Popes themselves.

Thus Samson's hair, the strength and pomp of their best plea, is cut off. The foundation of the Pope's supremacy is subverted, and all other pleas broken with it.

If, according to the Apostles' Canons<sup>3</sup>, 'every

<sup>1</sup> [Labyrinthus Cantuar.] p. 191. [§ 6.]

<sup>2</sup> [Labyr. ubi supra; and Bp Stillingfleet's Vindication, p. 202.]

<sup>3</sup> [Can. xxxiii. al. xxxv; apud Coteler. Tom. i. p. 442.]

nation had its proper head in the beginning, to be acknowledged by them under God';—and according to a General Council<sup>1</sup>, all such heads should hold as from the beginning;—there can be no ground afterwards for a lawful possession to the contrary.

If '*Tu es Petrus*' and '*Pasce oves*' have any force to maintain the Pope's Supremacy, why did not the ancient Fathers, the authors of those Canons, see it? Why was not it shewn by the Popes concerned, in bar against them, when nothing else could be pleaded? When both possession and tradition were to be begun, and had not yet laid their foundation? Yea, when actual opposition in England was made against it; when General Councils abroad laid restraints upon it; and the Eastern Church would not acknowledge it.

Indeed, both antiquity, universality, and tradition itself, and all colour of right for ever, fails with possession.

For possession of supremacy, afterwards, cannot possibly have either a Divine or just title, but must lay its foundation contrary to God's institution and ecclesiastical Canon. And the possessor is a thief and a robber, our adversaries being judges. He invades others' provinces, and is bound to restore: and long possession is but a protracted rebellion against God and his Church<sup>2</sup>.

However it be with the secular powers, Christ's Vicar must certainly derive from him, must hold the

<sup>1</sup> [Concil. Nicæn. can. vi; apud Labb. Tom. II. 32, c.]

<sup>2</sup> [See some interesting remarks on this subject in Mr Palmer's '*Jurisdiction of the British Episcopacy*,' pp. 132—138.]

power he gave, must come in it at his door. And S. W. himself<sup>1</sup> against Dr Hammond fiercely affirmeth, that ‘possession in this kind ought to begin near Christ’s time; and he that hath begun it later, unless he can evidence that he was driven out from an ancient possession, is not to be styled a possessor, but an usurper, an intruder, an invader, disobedient, rebellious, and schismatical.’ Good night, S. W.

*Quod ab initio fuit invalidum, tractu temporis non convalescit*,—is a rule in the civil Law.

Yea, whatever possession the Pope got afterwards was not only an illegal usurpation, but a manifest violation of the Canon of Ephesus<sup>2</sup>, and thereby condemned as schismatical.

<sup>1</sup> [Schism Disarmed,] p. 50.

<sup>2</sup> [Apud Labb. Concil. Tom. III. 802.]

## CHAPTER VII.

THE POPE HAD NOT FULL POSSESSION HERE,  
BEFORE HENRY VIII.—I. NOT IN AUGUS-  
TINE'S TIME.—II. NOR AFTER.

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**I**T is boldly pleaded, that the Pope had possession of the supremacy in England for nine hundred years together, from Augustine till Henry VIII: and no king on earth hath so long, and so clear prescription for his crown.

To which we answer, (1) That he had not such possession. (2) If he had, it is no argument of a just title.

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### SECTION I.

NOT IN AUSTIN'S TIME—STATE OF SUPREMACY  
QUESTIONED.

**W**E shall consider the Pope's supremacy here, as it stood in and near Saint Augustine's time, and in the ages after him, to Henry VIII.

I. We have not found hitherto, that in or about the time of Augustine, Archbishop of Canterbury, the Pope had any such power in England as is pretended.

Indeed, he came from Rome, but he brought no mandate with him; and when he was come, he did nothing without the King's licence. At his arrival, he petitions the King; the King commands him to stay in the Isle of Thanet, till his further pleasure



was known:—he obeyed; afterward the King gave him licence to preach to his subjects, and when he was himself converted, *majorem prædicandi licentiam*, he enlarged his licence so to do<sup>1</sup>.

It is true Saint Gregory<sup>2</sup> presumed largely, to subject all the Priests of Britain under Augustine, and to give him power to erect two Archbishoprics, and twelve Bishoprics under each of them; but it is one thing to claim, another thing to possess; for Æthelbert was then the only Christian King, who had not the twentieth part of Britain;—and it appears that after both Saint Gregory and Austin were dead, there were but one Archbishop and two Bishops throughout the British Islands, of the Roman Communion.

Indeed, the British and Scotch Bishops were many, but they renounced all communion with Rome<sup>3</sup>, as appeared before.

We thankfully acknowledge the Pope's sending over preachers; his commending sometimes Archbishops, when desired, to us; his directions to fill up vacant sees:—all which and such-like were acts of charity, becoming so eminent a Prelate in the Catholic Church; but sure these were not marks of supremacy.

It is possible, Saint Melit (as is<sup>4</sup> urged) might

<sup>1</sup> Bed. Hist. Eccl. Lib. i. c. 25, 26. [Augustine was consecrated by the Archbishop of Arles (c. 27.) and placed in Canterbury by the King; Lib. i. c. 25. Lib. ii. c. 1. Cf. Archbp Bramhall's 'Just Vindication,' Part I. chap. iv; Works, Vol. i. p. 132.]

<sup>2</sup> [Apud Spelman, Concil. Tom. i. p. 90.]

<sup>3</sup> Bed. Hist. Eccl. Lib. ii. c. 2, c. 4.

<sup>4</sup> [R. C. (i. e. Richard Chalcedon)'s 'Survey' of Bramhall's Vindication, chap. iv. § I.]

bring the Decrees of the Roman Synod hither to be observed, and that they were worthy of our acceptance, and were accepted accordingly; but it is certain, and will afterwards appear to be so, that such Decrees were never of force here, further than they were allowed by the King and kingdom.

It is not denied, but that sometimes we admitted the Pope's Legates and Bulls too; yet the legatine Courts were not anciently heard of, neither were the Legates themselves, or those Bulls of any authority without the King's consent<sup>1</sup>.

Some would argue from the great and flattering titles that were anciently given to the Pope; but sure such titles can never signify possession or power,—which at the same time, and perhaps by the very same persons that gave the titles, was really and indeed denied him.

But the great service the Bishop of Chalcedon hath done his cause, by these little instances before mentioned, will best appear<sup>2</sup> by a true state of the question touching the supremacy betwixt the Pope and the King of England; in which such things are not all concerned.

The plain question is, Who was then the political head of the Church of England, the King or the Pope? Or more immediately, whether the Pope then had possession of the supremacy here in such things, as was denied him by Henry VIII. at the beginning of

<sup>1</sup> [These points are proved below, chap. ix. sect. II; chap. x.]

<sup>2</sup> Vid. Bramhall, [Replication to the Bp of Chalcedon, Part I. chap. iv; Works, Vol. II. pp. 137, et seqq.]

our Reformation, and the Pope still challengeth ? And they are such as these :

- (1) A legislative power in ecclesiastical causes.
- (2) A dispensative power, above and against the Laws of the Church.
- (3) A liberty to send Legates, and to hold legatine Courts in England without licence.
- (4) The right of receiving the last appeals of the King's subjects.
- (5) The patronage of the English Church, and investitures of Bishops ;—with power to impose oaths upon them, contrary to their oath of Allegiance.
- (6) The first-fruits and tenths of ecclesiastical livings, and a power to impose upon them what pensions, or other burthens, he pleaseth.
- (7) The goods of Clergymen dying intestate.

These are the flowers of that supremacy which the Pope claimeth in England, and our Kings, and Laws, and customs deny him (as will appear afterwards in due place): for this place, it is enough to observe, that we find no footsteps of such possession of the Pope's power in England, in or about Augustine's time.

As for that one instance of Saint Wilfrid's appeal, it hath appeared before<sup>1</sup>, that it being rejected by two Kings successively, by the other Archbishop, and by the whole body of the English Clergy, sure it is no full instance of the Pope's possession of the supremacy here at that time ;—and needs no further answer.

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<sup>1</sup> [See above, pp. 56, 57.]

## SECTION II.

NO CLEAR OR FULL POSSESSION IN THE AGES AFTER  
AUSTIN TILL HENRY VIII.—EIGHT DISTINC-  
TIONS—THE QUESTION STATED.

**I**T may be thought that though the things mentioned were not in the Pope's possession so early, yet for many ages together they were found in his possession, and so continued without interruption, till Henry VIII. ejected the Pope, and possessed himself and his successors of them.

Whether it were so or not, we are now to examine; and lest we should be deceived with colours and generalities, we must distinguish carefully,—

(1) Betwixt a primacy of order and dignity and unity, and supremacy of power,—the only thing disputed.

(2) Betwixt a judgment of direction resulting from the said primacy, and a judgment of jurisdiction depending upon supremacy.

(3) Betwixt things claimed, and things granted and possessed.

(4) Betwixt things possessed continually, or for some time only.

(5) Betwixt possession partial and of some lesser branches, and plenary or of the main body of jurisdiction.

(6) Betwixt things permitted of courtesy, and things granted out of duty.

(7) Betwixt incroachment through craft, or power or interest, or the temporary oscitancy of the people; and power grounded in the Laws, enjoyed with the



consent of the states of the kingdom in times of peace.

(8) Lastly, betwixt quiet possession, and interrupted.

These distinctions may receive a flout from some capricious adversary ; but, I find, there is need of them all, if we deal with a subtle one.

For the question is not, touching primacy in the Bishop of Rome, or an acknowledged judgment of direction flowing from it,—or a claim of jurisdiction, which is no possession,—or a partial possession of power in some lesser things,—or a larger power in greater matters, yielded out of courtesy, oscitancy, or fear, or surprise, and held only for a time, while things were unsettled, or by power, craft, or interest, but soon after disclaimed, and frequently interrupted: for this is not such a possession as our adversaries plead for,—or, indeed, will stand them in stead.

But the question in short is this: *Whether the Pope had a quiet and uninterrupted possession of the supreme power over the Church of England in those gréat branches of supremacy denied him by Henry the Eighth, for nine hundred years together, or for many ages together before that time?*

This strictly must be the question: for the complaint is, that Henry VIII. dispossessed the Pope of the supremacy which he had enjoyed for so many ages, and made himself head of the Church of England; therefore those very things which that King then denied to the Pope, or took from him, must be those flowers of the supremacy, which the Papists

pretend the Pope had possession of, for so many ages together before his time.

Two things, therefore, and those only, are needful to be sought here: What those branches of power are, which Henry the Eighth denied to the Pope, and resumed to himself and his successors? And whether the Pope had quietly, and without plain interruption, possessed the same for so many ages before his time? And in order thereunto, when and how he got it?

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## CHAPTER VIII.

WHAT THE SUPREMACY WAS, WHICH HENRY THE EIGHTH TOOK FROM THE POPE:—THE PARTICULARS OF IT, WITH NOTES.

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**I**T is true, Henry VIII. resumed the title of the only Supreme Head in earth of the Church of England, and denied this title to the Pope; but it is plain, the controversy was not so much about the title as the power,—‘the honours, dignities, jurisdictions, authorities, profits, &c. belonging or appertaining to the said dignity of Supreme Head of the Church of England’; as is evident by the statute<sup>1</sup>.

The particulars of that power were such as these:—

I. Henry VIII. prohibited all appeals to the Pope and Legates from Rome<sup>2</sup>.

II. He also forbad all payments of money upon any pretence to the Pope<sup>3</sup>.

III. He denied the Pope the nomination and consecration of Archbishops and Bishops, and presentations<sup>4</sup>.

IV. He prohibited all suits for Bulls, &c. to be made to the Pope, or the see of Rome<sup>5</sup>.

V. He prohibited any Canons to be executed here without the King’s licence<sup>6</sup>.

<sup>1</sup> 26<sup>o</sup> Hen. VIII. c. 1.

<sup>2</sup> 24<sup>o</sup> Hen. VIII. c. 12.

<sup>3</sup> [23<sup>o</sup> Hen. VIII. c. 20; 25<sup>o</sup> Hen. VIII. c. 20.]

<sup>4</sup> 25<sup>o</sup> Hen. VIII. c. 20.

<sup>5</sup> 25<sup>o</sup> Hen. VIII. c. 21.

<sup>6</sup> 25<sup>o</sup> Hen. VIII. c. 19.

I have perused the statutes of King Henry VIII., and I cannot find any thing which he took away from the Pope, but it is reducible to these five heads; touching which, by the way, we note:—

(1) The controversy was not about a primacy of order, or the beginning of unity, but a supremacy of power.

(2) All these things were then denied him, not by the King alone, but by all the states of the kingdom, in many statutes.

(3) The denial of all these branches of supremacy to the Pope were grounded upon the ancient laws and customs of the realm, as is usually noted in the preamble of the said statutes: and if that one thing shall be made to appear, we must conclude, that the Pope might be guilty of an usurpation, but could never have a legal possession of that supremacy, that is in the question.

(4) Note, that the states of the kingdom in the reign of Queen Mary, when by means of Cardinal Pool they recognised the Pope's supremacy, it was with this careful and express limitation<sup>1</sup>, 'that nothing therein should be understood to diminish any the liberties of the imperial crown of this realm, which did belong unto it in the twentieth year of Henry VIII.'—without diminution or enlargement of the Pope's supremacy in England, as it was in the twentieth year of Henry VIII. So that Queen Mary and her parliament added nothing to the Pope, but only restored what he had before; and when and how that was obtained is next to be examined.

<sup>1</sup> 1<sup>o</sup> and 2<sup>o</sup> Phil. and Mary, c. 8, [sect. 24.]



## CHAPTER IX.

### WHETHER THE POPE'S SUPREMACY HERE WAS IN QUIET POSSESSION TILL HENRY THE EIGHTH.

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**W**E have found what branches of the Pope's power were cut off by Henry VIII.—

The question is, Whether the Pope had possession of them, without interruption, before that time? And that we may proceed distinctly and clearly, we shall consider each of the former branches by themselves; and first we begin with the Pope's power of receiving Appeals from hence, which carries a very considerable part of his pretended jurisdiction.

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#### SECTION I.

##### OF APPEALS TO ROME—THREE NOTIONS OF APPEAL —APPEALS TO ROME LOCALLY, OR BY LEGATES —WILFRID—ANSELM.

**A**PPEALS to Rome we have found among these things which were prohibited by Henry VIII: therefore no doubt the Pope claimed, and in some sort possessed, the power of receiving such Appeals before. But what kind of possession, how free, and how long, is worthy to be inquired.

‘Appeal’ is a word taken several ways: sometimes it is only to accuse; (so we find it in the Statutes<sup>1</sup>

Three  
senses of  
appeal.

<sup>1</sup> [See the ‘Rolls’ of Parliament, sub ann.]

11<sup>o</sup> and 21<sup>o</sup> Richard II.) Sometimes to refer ourselves for judgment to some worthy person; (so Francfort appealed to John Calvin<sup>1</sup>.) But now it is chiefly used for a removing a cause from an inferior to a superior court, that hath power of disanulling what the other did.

In this last sense, historians<sup>2</sup> tell us that Appeals to Rome were not in use with us, till about five hundred years ago, or a little more, viz. the year 1140.

These Appeals to Rome were received and judged either in the Pope's court at Rome, or by his Legates in England. A word or two of each.

For Appeals to the Pope at Rome, the two famous I. Locally. instances of Wilfrid and Anselm take up much of our history.

But they both seem, at least at first, to have Wilfrid. Anselm. appealed to the Pope, under the second notion of appeal; not to him as a proper or legal judge, but as a great and venerable Prelate.

But not to stick there, it is well known what effect they obtained. As for Wilfrid, his account was of elder date, and hath appeared before<sup>3</sup>, to the great prejudice of the Pope's possession in England at that time.

But Anselm is the great monument of papal obedience, and (as a learned man<sup>4</sup> observes) the first promoter of papal authority in England. He began his enterprise with a pretence, that he ought not to be Anselm.

<sup>1</sup> [Troubles at Frankford, p. 36; ed. 1575.]

<sup>2</sup> [See Twysden's Historical Vindication, p. 35.]

<sup>3</sup> [See above, pp. 56, 57.]

<sup>4</sup> [Twysden, Hist. Vind. pp. 14, 41. It is important to bear in mind that Anselm was an Italian.]

barred of visiting the Vicar of St Peter *causa regiminis ecclesiæ*, but he was not suffered to do that<sup>1</sup>. So far was the Pope then, from having the power of receiving Appeals, that he might not receive the visit of a person of Anselm's quality, without the King's leave.

First, he was told 'by the Bishops, as well as laylords, that it was a thing unheard of, and altogether against the use of the realm, for any of the great men, especially himself, to presume any such thing, without the King's licence<sup>2</sup>.'

Notwithstanding, he would and did go; but what followed? His bishopric was seized into the King's hand, and the Pope durst not, or thought not good, to give him either *consilium* or *auxilium*, as Sir Roger Twysden makes appear<sup>3</sup> out of Eadmer.

In the dispute, the king told Anselm the Pope had not to do with his rights, and wrote that free letter we find in Jorvalensis<sup>4</sup>; and upon the ambiguous answer of the Pope, the King sent Anselm himself to Rome, [and with him another person,] who spake plainly, his master for the loss of his kingdom, would not lose the investiture of his churches<sup>5</sup>.

<sup>1</sup> [See the circumstances more fully narrated in Twysden, pp. 15—17. On one occasion, when the Pope's condemnation of regal investitures was made known in England, Anselm had occasion to complain as follows: "Quod audientes rex et principes ejus, ipsi etiam episcopi et alii minoris ordinis tam graviter acceperunt, ut assererent se nullo modo huic rei assensum præbituros, et me de regno potius quam hoc servarent expulsuros, et a Romana ecclesia se discessuros." p. 16.]

<sup>2</sup> [Eadmer, Hist. Nov. p. 39, l. 30.]

<sup>3</sup> pp. 11, 12; [p. 15, new edit.]

<sup>4</sup> col. 999, l. 37, etc. [apud Scriptores x. ed. Lond. 1652.]

<sup>5</sup> Eadmer, p. 73, l. 13.

But ‘Anselm, as Archbishop, took the oath that Objection.  
was appointed by the Pope to be taken at the  
receiving of the pall,—which allowed his power to  
receive Appeals.’

It is true ; but Paschalis himself<sup>1</sup>, who devised that Answer.  
oath, acknowledgeth that it was (as Anselm signified  
to him) not admitted, but wondered at ; and looked  
on as a strange innovation both by the King and the  
great men of the kingdom. The King pleaded the  
fundamental laws and customs of the land against it :  
“It is a custom of my kingdom, instituted by my  
father, that no Pope may be appealed unto, without  
the King’s licence. He that takes away the customs  
of the kingdom doth violate the power and crown of  
the King<sup>2</sup>.” And it is well noted by Archbishop  
Bramhall<sup>3</sup>, that ‘the laws established by his father  
(viz. William the Conqueror) were no other than the  
laws of Edward the Confessor, that is to say, the old  
Saxon laws,’—who<sup>4</sup> had before yielded to the request  
of his barons (as Hoveden<sup>5</sup> notes) to confirm those  
laws.

But though Anselm had obliged himself by the  
said oath to the Pope, yet the rest of the Bishops  
refused the yoke ; and thereupon Malmsbury tells  
us<sup>6</sup>, that ‘in the execution of these things, all the

<sup>1</sup> Baron. Annal. Tom. XI. ad an. 1102, VIII.

<sup>2</sup> Malmsbur. de Gestis Pont. Anglorum, Lib. I. [p. 219 ; ed. Francof. 1601.]

<sup>3</sup> [Just Vindication, Part I. Disc. ii ; Works, Vol. I. p. 136.]

<sup>4</sup> [i. e. William the Conqueror.]

<sup>5</sup> [R. de Hoveden, Annal. inter Rerum Angl. Scriptores, p. 608 ; ed. Franc. 1601.]

<sup>6</sup> [Ubi supra, p. 219.]



Bishops of England did deny their suffrage to their Primate.’

Consequently, the unanimity of the whole realm appeared in the same point, in the reign of this King’s grandchild, in the statute of Clarendon; confirming the former British-English custom, not only by their consents but their oaths<sup>1</sup>:—wherein generally every man is interdicted to appeal to Rome.

This statute of Clarendon was made, when popery seemed to be at the height in England. It was made to confirm the customs and liberties of Henry the Second’s predecessors, that is to say (as the words of the statute are) his grandfather Henry the First, son of the Conqueror, and other kings. Now the customs of England are our common Laws, and the customs of his predecessors were the Saxon, Danish, and Norman Laws; and therefore ought to be observed of all, as my Lord Bramhall reasons<sup>2</sup>.

What these customs were, I may shew more largely hereafter; at present this one is pertinent. “All Appeals in England must proceed regularly from the Archdeacon to the Bishop, from the Bishop to the Archbishop, and if the Archbishop fail to do his duty, the last complaint must be to the King, to give order for redress<sup>3</sup>,” that is, by fit delegates.

In Edward the Third’s time, we have a plain law to the same purpose in these words<sup>4</sup>: ‘Whosoever

<sup>1</sup> Mat. Paris, Hist. Major. A. D. 1164, [p. 100]: R. de Hoveden, Annal. [p. 496.]

<sup>2</sup> [Just Vindication, Vol. i. pp. 135—137: Schism Guarded, Vol. ii. p. 439.]

<sup>3</sup> [Mat. Paris, A. D. 1164; pp. 100, 101; ed. 1639.]

<sup>4</sup> 27<sup>o</sup> Edw. III. c. 1.

should draw any of the King's subjects out of the realm, in plea about any cause, whereof the cognizance belongeth to the King's court; or should sue in any foreign court to defeat any judgment given in the King's court,' (viz. by appealing to Rome) 'they should incur the same penalties.' And upon the same ground, the body of the kingdom would not suffer Edward the First to be cited before the Pope<sup>1</sup>.

It is confessed, that in the Laws of Henry I. it is granted, that in case a Bishop erring in faith, and on admonition appearing incorrigible, *ad summos Pontifices* (the Archbishops) *vel sedem apostolicam accusetur*:—which passage, as Sir Roger Twysden<sup>2</sup> guesses, was inserted afterwards, or the grant gotten by the importunity of the then Pope. Objection.

But the same learned man's note upon it is, that "this is the only cause wherein I find any English law did ever approve a foreign judicature<sup>3</sup>." Answer.

It is plain, Anselm's Appeal (now on foot) was disapproved by the whole kingdom<sup>4</sup>; it is evident, that this clause was directly repugnant to the liberties and customs of the realm, upon which Anselm's Appeal was so ill resented.

It is manifest in those days and after, Appeals to Rome were not common, (yea, this very Pope Paschalis<sup>5</sup> complains to this King, *Vos oppressis apostolicæ sedis appellationem subtrahitis*,—which was A.D. 1115,)

<sup>1</sup> [A.D. 1301. The letter may be seen in Fox, Acts and Monuments, Vol. I. pp. 388, 389, ed. 1684.]

<sup>2</sup> [Vindication, p. 41.]

<sup>3</sup> [Ibid.]

<sup>4</sup> [See above, p. 126.]

<sup>5</sup> Eadmer, [p. 115, l. 31.]

and that they were held a cruel intrusion<sup>1</sup> on the Church's liberty; so as at the assize at Clarendon, 1164, this law, if it were so, was annulled and declared to be contrary to the liberties and customs of the realm; the eighth chapter whereof is wholly spent in shewing the right of the kingdom in this point, *quod non appellaretur pro causa aliqua ad sedem apostolicam*, 'without leave had first, from the King and his officials,' as John of Salisbury interprets<sup>2</sup>.

Objection. Indeed the King did personally yield afterwards, A.D. 1172, not to hinder such Appeals in ecclesiastical causes.

Answer. But the whole kingdom, four years after, would not quit their interest; but did again renew the assize of Clarendon, 1176, using this close expression<sup>3</sup>: *Justitiæ faciant quærere per consuetudinem terræ illos, qui a regno recesserunt; et nisi redire voluerint [infra terminum nominatum] et stare [ad rectum] in curia domini regis, postea uthlagentur, etc.*—as Gervase also notes<sup>4</sup>.

Accordingly this was the practice, during King Richard the First's time. Geoffrey, Archbishop of York, was complained of, that he did not only refuse Appeals to Rome, but imprisoned those that made them: and though upon that complaint, a time was assigned to make his defence to the Pope, yet he

<sup>1</sup> [Henr. Huntindon. Hist. Lib. viii. p. 395, l. 15, etc. ed. Francof. 1601.]

<sup>2</sup> [Johan. Saresber. Epist. clix. p. 254; ed. Paris, 1611.]

<sup>3</sup> [This took place in a parliament at Northampton. Vid. R. de Hoveden, Annal. p. 502, l. 29.]

<sup>4</sup> [Gervas. Dorobern. Chronica, col. 1433, l. 19; inter Scriptores x.]

refused to go, because of the King's prohibition and the indisposition of the air<sup>1</sup>.

After this, upon a difference with the King, the Archbishop went to Rome, and made his peace with the Pope, and returns; but the King offended with it committed<sup>2</sup> the care even of the spirituals of his Archbishopric to others, till he had reconciled himself to the crown<sup>3</sup>, which was near two years after, about 1198.

After this again he received complaint from Innocentius III. '*non excusare te potes,*' &c. "Thou canst not excuse thyself as thou oughtest, that thou art ignorant of the privilege of Appeals to us; seeing thou thyself hast sometimes done the same<sup>4</sup>."

And near about the same time (as Twysden observes), 'Robert, Abbot of Thorney, deposed by Hubert, the Archbishop, was kept in prison a year and a half, without any regard had to his appeal made to the Pope<sup>5</sup>.'

Indeed, that Pope Innocent III. and his clergy, great instruments in obtaining Magna Charta from that Prince, had got that clause<sup>6</sup> inserted, *Liceat unicuique*, 'it is lawful for any one to go out of our kingdom, and to return, *nisi in tempore guerræ per aliquod breve tempus.*' "After which," saith<sup>7</sup> Twysden,

<sup>1</sup> [R. de Hoveden, A.D. 1195, p. 751, l. 10.]

<sup>2</sup> [R. de Hoveden, Annal. p. 766, l. 22, etc.]

<sup>3</sup> [Ibid. p. 778, l. 25.]

<sup>4</sup> [A.D. 1201, p. 817, l. 53, etc.]

<sup>5</sup> [Ibid. A.D. 1195, p. 757, l. 17. Other instances of the same kind are adduced by Twysden, p. 48.]

<sup>6</sup> [Apud Mat. Paris, Hist. Major. p. 258, l. 53, etc.]

<sup>7</sup> [Ibid.]



it is scarce imaginable how many petty causes were by Appeals removed to Rome ;"—which did not only cause jealousy at Rome, that the grievance would not long be borne, and put the Pope in prudence to study and effect a mitigation, by some favourable privileges granted to the Archbishopric ; but it did also awaken the King and kingdom to stand upon, and recover their ancient liberty in that point<sup>1</sup>.

Hereupon, the body of the kingdom, in their querulous letter to Innocent IV. 1245, or rather to the Council at Lyons, claim<sup>2</sup> ‘that no Legate ought to come here, but on the King’s desire, *et ne quis extra regnum trahatur in causam*,’—which<sup>3</sup> Matthew Paris left out ; but is found in Mr Roper’s MS. and Mr Dugdale’s (as Sir Roger Twysden<sup>4</sup> observes) ; agreeable to one of the *Gravamina Angliæ*, sent to the same Pope, 1246, viz. *quod Anglici extra regnum in causis apostolica auctoritate trahuntur*<sup>5</sup>.

Therefore, it is most remarkable, that at the revising of Magna Charta by Edward I., the former clause, *Liceat unicuique*, &c. was left out. Since which time, none of the clergy might go beyond seas but with the King’s leave ; as the writs<sup>6</sup> in the Register, and the Acts of Parliament<sup>7</sup> assure us ; and (which is

<sup>1</sup> [Cf. Twysden’s Vindication, pp. 49, et seqq.]

<sup>2</sup> Apud Mat. Paris, p. 668, l. 3.

<sup>3</sup> [viz. the clause ‘ne quis,’ etc.]

<sup>4</sup> [Vindication, p. 51, and note 8.]

<sup>5</sup> [Apud Mat. Paris, p. 699, l. 10.]

<sup>6</sup> [Registrum Brevium, fol. 193, b ; ed. Lond. 1687.]

<sup>7</sup> [Parliament at Cambridge, 12<sup>o</sup> Ric. II., apud Hen. de Knyghton, col. 2734, l. 39, etc. : Stat. 5<sup>o</sup> Ric. II. i. c. 2.]

more) if any were in the court of Rome, the King called them home<sup>1</sup>.

The rich Cardinal Bishop of Winchester<sup>2</sup> knew the law in this case, and that no man was so great, but he might need pardon for the offence : and therefore, about 1429, caused a petition to be exhibited in Parliament<sup>3</sup>, 'that neither himself, nor any other, should be troubled by the King, &c. for cause of any provision or offence done by the said Cardinal against any statute of Provisors', &c. This was in the eighth of Henry the Sixth, and we have a plain statute making such Appeals a *præmunire* in Edward the Fourth<sup>4</sup>. Sir Roger Twysden<sup>5</sup> observes, 'the truth of this barring Appeals is so constantly averred by all the ancient monuments of this nation, as Philip Scot<sup>6</sup>, not finding how to deny it, falls upon another way ; that, if the right of Appeals were abrogated, it concludes not the see of Rome had no jurisdiction over this Church.' The concession gives countenance to our present in-

<sup>1</sup> [Hen. de Knyghton, col. 2601, l. 44, etc.]

<sup>2</sup> [i. e. Henry Beaufort, brother of King Henry IV.]

<sup>3</sup> Rot. Parl. 10<sup>0</sup> Hen. VI. § 16. [A full account is given by Twysden, Vind. p. 52.]

<sup>4</sup> 9<sup>0</sup> Edw. IV. 3. [According to the printed 'Rolls' and 'Statutes', no parliament assembled this year. Perhaps Fullwood's authority was Sir Edw. Coke's Reports, (Part v. fol. 26, b ; ed. 1624), where similar language is used and the same reference given. Coke, however, is speaking of a decision of the Court of King's Bench. The great *Statutes* prohibiting Appeals to Rome, under the penalty of a *Præmunire*, are 16<sup>0</sup> Ric. II. c. 5. and 27<sup>0</sup> Edw. III. c. 1.]

<sup>5</sup> [Ubi supra, p. 53.]

<sup>6</sup> [Treatise of the Schism of England, p. 174 ; ed. Amsterdam, 1650.]

quiry; the consequence shall be considered in its proper place.

What can be further said, in pretence of a quiet possession of Appeals for nine hundred years together? Since it hath been found to be interrupted all along, till within one hundred years before Henry VIII.

Especially, seeing my Lord Bramhall hath made it evident by clear instances, that it is the unanimous judgment of all Christendom, that not the Pope, but their own sovereigns in their Councils are the last judges of their national liberties<sup>1</sup>.

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## SECTION II.

OF THE POPE'S POSSESSION HERE BY HIS LEGATES  
—OCCASION OF THEM—ENTERTAINMENT OF THEM.

**I**T is acknowledged by some, that citing Englishmen to appear at Rome was very inconvenient; therefore the Pope had his Legates here, to execute his power without that inconvenience to us.

How the Pope had possession of this legatine power, is now to be inquired.

The correspondence betwixt us and Rome, at first, gave rise to this power; the messengers from Rome were sometimes called *Legati*, though at other times *Nuncii*.

After the erection of Canterbury into an Archbishopric, the Archbishop was held, *quasi alterius*

<sup>1</sup> Vid. Bramhall, pp. 106—118; [Vol. 1. pp. 210, et seqq. new edit.]

*orbis Papa*, as Urban II. styled him<sup>1</sup>; he exercising<sup>2</sup> *vices apostolicas in Anglia*, that is, used the same power within this island, the Pope did in other parts.

Consequently, if any question did arise, the determination was in Council; as the deposing Stygand<sup>3</sup>, and the settling<sup>4</sup> the precedency betwixt Canterbury and York. The instructions<sup>5</sup> mentioned of Henry I., the right of the realm<sup>6</sup>, that none should be drawn out of it *auctoritate apostolica*, do assure us, that our ancient applications to the Pope were acts of brotherly confidence in the wisdom, piety, and kindness of that Church; that it was able and willing to advise and assist us in any difficulty; and not of obedience, or acknowledgement of jurisdiction,—as appear by that letter<sup>7</sup> of Kenulphus and others to Pope Leo III. A.D. 797. (*Quibus sapientiæ clavis*,—‘the key of wisdom,’ not authority, was acknowledged therein.)

Much less can we imagine, that the Pope’s messengers brought hither any other power, than that of direction and counsel at first, either to the King or Archbishop. The Archbishop was *nullius unquam Legati ditioni addictus*<sup>8</sup>: therefore none were suffered

<sup>1</sup> Malmesbur. de Gestis Pontif. Angl. [Lib. I. p. 223, l. 13: Gervas. Dorobern. col. 1327, l. 58.]

<sup>2</sup> [Eadmer, p. 58, l. 43.]

<sup>3</sup> Florent. Wigorn. Chronicon, A.D. 1070, [pp. 636, 637; ed. Francof. 1601.]

<sup>4</sup> [Cf. Twysden’s Vindication, pp. 25, 27, 72.]

<sup>5</sup> [Ibid. p. 19.]

<sup>6</sup> [Vid. Mat. Paris, A.D. 1246, p. 699, l. 10.]

<sup>7</sup> Malmesbur. de Gestis Regum, Lib. I. [p. 31, l. 10, etc.]

<sup>8</sup> [Gervas. Dorobern. Actus Pontif. Cantuar. col. 1663, l. 56. Gervase of Canterbury is also the authority for the following particulars. Vid. col. 1485, l. 63, etc.: col. 1531, l. 37, etc.]



to wear a mitre within his province, or had the crosier carried, nor laid any excommunication upon this ground, *in diœcesi Archiepiscopi apostolicam non tenere sententiam*: the Church of Canterbury being then esteemed<sup>1</sup> *omnium nostrum mater communis sub sponsi Jesu Christi dispositione*.

True, the Pope did *præcipere*, but that did not argue the acknowledgement of his power; (so John Calvin commanded Knox<sup>2</sup>): the question is, how he was obeyed? It is certain his precepts, if disliked, were questioned<sup>3</sup>, opposed<sup>4</sup>, and those he sent not permitted to meddle with those things they came about<sup>5</sup>.

But historians observe, that we might be wrought to better temper, some persons were admitted into the kingdom, that might by degrees raise the papacy to its designed height. These were called Legates; but we find not any courts kept by them, or any power exercised with effect, beyond what the King and kingdom pleased, which indeed was very little.

The Pope's Legate was at the Council touching the precedence of the Archbishops; but he subscribed the sixteenth, after all the English Bishops, and not like the Pope's person or proctor, (as Sir Roger Twysden<sup>6</sup> proves).

The first Council, wherein the Pope's Legate preceded Archbishops, was that of Vienne, a little more

<sup>1</sup> Gervas. Dorobern. Actus Pontif. Cantuar. [col. 1663, l. 24.]

<sup>2</sup> Knox, Hist. Church of Scotland, p. 93, [ed. 1644.]

<sup>3</sup> Eâdmer, p. 92, l. 40.

<sup>4</sup> Gervas. Dorobern. col. 1315, l. 66.

<sup>5</sup> Ibid. col. 1558, l. 56. [See more on this subject in Twysden's Vind. pp. 25—27.]

<sup>6</sup> [p. 25.]

than three hundred years ago, viz. 1311, (as the same author<sup>1</sup> observes); wherein he looked like the Legate of his holiness indeed.

But let us examine what entertainment the power of a Legatè found here. The Archbishop was jealous that a Legate, residing here, would prove<sup>2</sup> *in suæ dignitatis præjudicium*; and the King himself was not without suspicions, and therefore would suffer none, so much as to be taken for Pope, but whom he approved; nor any to receive so much as a letter from Rome, without acquainting him with it; and held it an undoubted right of the crown, that ‘none should be admitted to do the office of a Legate here, if he himself did not desire it<sup>3</sup>.’

Things standing thus, in A.D. 1100, the Archbishop of Vienne coming over reported himself that he had the legatine power of all Britain committed to him; but finding no encouragement to use his commission, departed, ‘by none received as Legate, nor doing any part of that office<sup>4</sup>.’

Fourteen years after, Paschalis II., by letters expostulates with the King about several things, in particular, ‘his non-admitting either messenger or letter, without his leave<sup>5</sup>.’

A year after, [he] addressed Anselm, nephew to the late Archbishop, shewing his *commission vices gerere apostolicas in Anglia*. This made known, the clergy and nobility in Council at London, sent the Arch-

<sup>1</sup> [p. 29.]

<sup>2</sup> Mat. Paris, A. D. 1237, p. 440, l. 17.

<sup>3</sup> Eadmer, p. 125, l. 53, etc.; p. 6, l. 25; p. 113, l. 1.

<sup>4</sup> Ibid. p. 58, l. 40, etc.

<sup>5</sup> Ibid. pp. 112—116.

bishop to the King in Normandy to make known unto him the ancient custom of the realm, and by his advice to Rome, ‘*ut hæc nova annihilaret*<sup>1</sup>.’

After this, A.D. 1119, the King sent his Bishops to a Council held by Calixtus II. at Rheims, with instructions among other things, that they should humbly hear the Pope’s precepts, but bring no superfluous *adinventiones* into his kingdom<sup>2</sup>.

In November following, the Pope and King had a meeting<sup>3</sup> at Gisors in Normandy; where Calixtus confirmed unto him his father’s usages, in special, that of sending no Legate hither, but on the King’s desire: and when the same Pope, not full two years after his grant to the contrary, addressed another Legate to these parts, the King’s wisdom so ordered it, ‘that he which came to do the office of a Legate in all Britain, was sent as he came, without doing any part of that office<sup>4</sup>.’

Objection.

But it is said that Calixtus confirmed unto the King his father’s usages: therefore it was in the Pope’s power originally and by delegation, and not in the King. Accordingly in our best authors (and in particular, Eadmer), we find these words, *collata, concessa, impetrata, permissa*, as is urged in answer to my Lord Coke<sup>5</sup>.

Answers.

(1) These words indeed intimate the Pope’s kind-

<sup>1</sup> Eadmer, p. 118, l. 28; p. 120.

<sup>2</sup> [Twysden’s Vindication, p. 19; on the authority of Ordericus Vitalis, pp. 857, 858.]

<sup>3</sup> [Vid. Eadmer, p. 125, l. 49.]

<sup>4</sup> Ibid. A.D. 1121, p. 137, l. 46; p. 138, l. 13, etc.

<sup>5</sup> [viz. by Persons, the Jesuit, in his Answer to Sir Edward Coke’s Reports, cap. ix. sect. 8, p. 200.]

ness and peaceable disposition at present, viz. that he will not disturb, but allow our enjoyment of our ancient privileges as if they were customs *concessa, fungi permissa*; the same Eadmer calls<sup>1</sup> *antiqua Angliæ consuetudo, libertas regni*.

(2) The words do seem also to intimate the Pope's claim at that time: but the true question is about his possession, which in placing Legates there was ever denied him, not as a thing granted formerly by the Pope, but as one of the<sup>2</sup> *dignitates, usus, et consuetudines* (as Henry I. claimed and defended).

(3) Lastly, they rather intimated the Pope's want of power, than proved his authority here; and what our princes did in their own right, he would continue to them as a privilege, for no other reason but because he could not take it from them, or durst not deny it to them. So he dealt with Edward the Confessor<sup>3</sup>: *Vobis et posteris vestris Regibus commitimus advocacionem et tuitionem ejusdem loci*; but long before that, our Kings looked upon it as their office<sup>4</sup> *regere populum Domini et Ecclesiam ejus*, which the Pope knew well enough. Therefore, a Legate landing in England in Edward the Fourth's time, was obliged to take oath, that he would attempt nothing to the derogation of the rights of the King or crown<sup>5</sup>.

In Henry the Sixth's nonage, his uncle was sent Legate by Martin V. Richard Caudray the King's

<sup>1</sup> p. 125, l. 33, p. 118, l. 33.

<sup>2</sup> [Vid. Hen. I. Epist. apud Jorvalens. col. 999, l. 49.]

<sup>3</sup> [Ailred. de Vita Edw. col. 388, l. 53, inter Scriptores x.]

<sup>4</sup> Baron. Annal. Tom. xi. ad an. 1059, xxiii.

<sup>5</sup> [See Coke's Reports, Part v. fol. 27, a; ed. 1624.]



attorney, made protestation<sup>1</sup>, ‘that none was to come as Legate from the Pope, or enter the kingdom without the King’s appointment’: a right enjoyed from all memory.

In the reign of Henry V. the design of sending a Legate from Rome, though it were the King’s own uncle, was opposed<sup>2</sup>; the enterprise took no effect during that King’s reign. And in the eleventh of King Henry IV., the judges unanimously pronounce<sup>3</sup>, ‘that the statutes which restrain the Pope’s provisions were only declaratory of the common laws of England.’

It was in the year 1245, when the whole state of England complained of the Pope’s infamous messenger, *Non obstante*, by which oaths, customs, &c. were not only weakened but made void; and unless the grievances were removed, *Oportebit nos ponere murum pro domo Domini, et libertate Regni*<sup>4</sup>.

Yea long after this, in the year 1343, Edward III. made his addresses likewise to Rome, which the Pope branded with the title of ‘rebellion<sup>5</sup>.’ But to requite him, that wise and stout prince made the statutes of *Próvisors* and *Præmunire*<sup>6</sup>, directly opposed to the ineroachments and usurpations of the court of Rome.

<sup>1</sup> [The Legate here spoken of was Henry Beaufort, great uncle of King Henry VI. The original document is printed in Fox, Vol. i. p. 802, col. 2; ed. 1684.]

<sup>2</sup> [This was the same Henry Beaufort. See Duck’s Life of Archbp Chichele, pp. 34, et seqq. Lond. 1681.]

<sup>3</sup> [See Coke’s Reports, Part v. fol. 23, a.]

<sup>4</sup> Mat. Paris, A.D. 1245, 1246, [pp. 698, 699.]

<sup>5</sup> Walsingham, [Hist. A.D. 1343, p. 149: inter Angl. Script. ed. Camden. Francof. 1603.]

<sup>6</sup> [25<sup>o</sup> Edw. III. Stat. 6, § 3; 27<sup>o</sup> Edw. III. c. 1.]

Whereby he so abated their power in England for sundry ages following, that a Dean and Chapter was able to deal with the Pope in England, and to foil him too<sup>1</sup>.

The sum is, during the reigns of all the British and Saxon Kings, until the Norman Conquest, legations from Rome were seldom, and but messengers :—a Legatine or Nuncio's court we find not. Gregory, Bishop of Ostium, the Pope's own Legate did confess, that 'he was the first Roman priest that was sent into those parts of Britain from the time of St Austin<sup>2</sup>.'

When these Legates multiplied, and usurped authority over us, the kingdom would not bear it ; as appears by the statute of Clarendon, confirming the ancient British-English custom, with the consent and oaths of all the Prelates and Peers of the realm : and upon this custom was the law grounded, "If any one be found bringing in the Pope's letter or mandate, let him be apprehended, let justice pass upon him without delay, as a traitor to the King and kingdom<sup>3</sup>.

And all along afterwards we have found, that still as occasion required, the same custom was maintained and vindicated both by the Church and State of the realm, till within a hundred years before Henry VIII.

So that the rejection of the Pope's Legate is founded in the ancient right, the common and statute laws of the realm ; and the legatine power is a plain usurpation contrary thereunto, and was ever

<sup>1</sup> A. D. 1420, Bramhall, p. 99 ; [Vol. I. p. 195, new ed.]

<sup>2</sup> Spelman, Concil. A. D. 784, [Tom. I. p. 293.]

<sup>3</sup> Mat. Paris, A. D. 1164, [pp. 100, 101] ; R. de Hoveden, [Annal. p. 496.]

looked upon as such, it never having any real possession among us by law, or quiet possession in fact, for any considerable time together; but was still interrupted by the whole kingdom, by new declaratory laws against it.

Thus, we have seen how the Pope's possession of the formal branch of jurisdiction, by Appeals and Legates, stood here from St Austin to Henry VIII.; and that 'it was quiet and uninterrupted for nine hundred years together,' passeth away as a vapour; the contrary being evident by as authentic testimonies as can be desired. And now what can be imagined to enervate them?

Objection.

If it be urged that it was once in the body of our laws, viz. in Magna Charta<sup>1</sup>, *Liceat unicuique de cætero exire de regno nostro, et redire salvo et secure per terram et per aquam, salva fide nostra; nisi in tempore guerræ per aliquod breve tempus*;—it is confessed.

Answer.

But here is no expression, that plainly and in terms gives licence of Appeals to Rome. It is indeed said, that it is lawful for any to go out of the kingdom and to return safe, but mark the conditions following, *Nisi in*, &c. It is likely, these words were inserted in favour of Appeals, but it may be the authors were timorous to word it in a more plain contradiction to our ancient liberties.

(2) The very form of words as they are, would seem to intimate that the custom of England was otherwise.

(3) Lastly, if it be considered, how soon after,

<sup>1</sup> [Apud Mat. Paris, p. 258, l. 53, etc.]

and with what unanimity and courage our ancient liberty to the contrary was redeemed and vindicated, and that clause left out of Magna Charta ever since, though revised and confirmed by so many Kings and Parliaments successively, it is only an argument of a sudden and violent torrent of papal power in King John's time, not of any grounded or well settled authority in the English laws, as our English liberties have. I conclude with those weighty words of the Statute, 27<sup>o</sup> Edw. III. c. 1: 'Having regard to the said statute made in the time of his said grandfathers, which statute holdeth always in force, which was never annulled or defeated in any point; and forasmuch as he bound by his oath to do the same, to be kept as the law of the realm, though that by sufferance and negligence it hath been since attempted to the contrary<sup>1</sup>.'

Whereupon, it is well observed, that Queen Mary herself denied Cardinal Peto<sup>2</sup> to appear as the Pope's Legate in England in her time; and caused all the sea-ports to be stopped, and all letters, briefs, and bulls to be intercepted and brought to her<sup>3</sup>.

<sup>1</sup> Vid. Preamble of the statute.

<sup>2</sup> [See 'Antiquities of the English Franciscans,' Part I. p. 253, Lond. 1726.]

<sup>3</sup> [See Collier's Church Hist. Vol. II. p. 399, fol. ed.]



## CHAPTER X.

THE POPE'S LEGISLATIVE POWER IN ENGLAND  
BEFORE HENRY VIII.—NO CANONS OF  
THE POPE OBLIGE US WITHOUT OUR  
CONSENT—OUR KINGS, SAXONS,  
DANES, NORMANS, MADE  
LAWS ECCLESIASTICAL.

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WE have found possession of the *executive* power otherwise than was pretended; we now come to consider how it stood with the *legislative*. The Pope indeed claimed a power of making and imposing Canons upon this Church; but Henry VIII. denied him any such power, and prohibited any Canons whatsoever to be executed here, without the King's licence<sup>1</sup>.

The question now is, Whether the Pope enjoyed that power of making and imposing Canons effectually and quietly here, from the time of St Augustine to Henry the Eighth, or indeed any considerable time together. And this would invite us to a greater debate, who was supreme in the English Church (the Pope or the King) during that time, or rather who had the exercise of the supremacy: for the power of making laws is the chief flower or branch of the supremacy, and he that freely, and without interruption, enjoyed this power, was doubtless in the possession of the supremacy.

That the Pope had it not, so long and so quietly

<sup>1</sup> 25<sup>o</sup> Hen. VIII. c. 19.

as is pleaded by some, and that our Kings have generally enjoyed it, will both together appear with evidence enough by the particulars following:—

(1) If none were to be taken for Pope but by the King's appointment, sure his laws were not to be received, but with the King's allowance.

(2) If not so much as a letter could be received from the Pope without the King's knowledge, who caused words prejudicial to the Crown to be renounced, sure neither his laws.

Both the antecedents we find in Eadmer<sup>1</sup>.

(3) If no Canons could be made here without the King's authority, or being made could have any force, but by the King's allowance and confirmation, where was the Pope's Supremacy? That Canons could not be made here without the King's authority is evident, because the convocations themselves always were, and ought to be assembled by the King's writ<sup>2</sup>. Besides the King caused some to sit therein who might supervise the actions, and *Legato ex parte regis et regni inhiberent, ne ibi contra regiam coronam et dignitatem aliquid statuere attentaret*<sup>3</sup>; and when any did otherwise, he was forced to retract what he had done (as did Peckham<sup>4</sup>); or the decrees were *in paucis servatæ* (as those of Boniface<sup>5</sup>).

Convocations by Kings.

<sup>1</sup> [Hist. Nov.] p. 6, l. 26; p. 113, l. 1.

<sup>2</sup> Eadmer, p. 24, l. 5, l. 11, [The Statute 25<sup>o</sup> Hen. VIII. c. 19, based its decision on what 'always had been.']

<sup>3</sup> Mat. Paris, A.D. 1237, p. 447, l. 51.

<sup>4</sup> [Vid. Selden. de Synedriis; Opp. Vol. i. Tom. II. p. 982; ed. 1726.]

<sup>5</sup> Lyndwood, [Provinciale, Lib. II. de Foro Competenti, p. 92, not. d; ed. 1679.]

Canons  
confirmed  
by Kings.

If Canons were made, though the Pope's Legate, and consequently all his power, was at the making of them, yet had they no force at all as laws over us, without the King's allowance and confirmation<sup>1</sup>. The King having first heard what was decreed<sup>2</sup> *consensum præbuit, auctoritate regia et potestate concessit et confirmavit statuta concilii*, 'by his kingly power he confirmed the Statutes of the Council of William Archbishop of Canterbury, and the Legate of the holy Roman Church, celebrated at Westminster'.... 'By the assent of the King, *et primorum omnium Regni*, the chapters subscribed were promulged<sup>3</sup>.'

Twysden concludes<sup>4</sup>: "As for Councils, it is certain none from Rome did, till 1125, intermeddle in calling any here<sup>5</sup>." If they did come to them, as to Calcuith, the King, upon the advice of the Archbishop, *statuit diem concilii*, 'appointed the day of the Council.' So when William I. held one at Winchester, 1070, for deposing Stygand, though there came to it three sent from Alexander II., yet it was held, *jubente et presente Rege*, who was<sup>6</sup> president of it.

<sup>1</sup> Eadmer, p. 6, l. 29.

<sup>2</sup> [Continuatio ad] Florent. Wigorn. A.D. 1127, p. 663 : [ed. Francof. 1601.]

<sup>3</sup> Gervas. Dorobern. A.D. 1175, col. 1429, l. 16.

<sup>4</sup> [Historical Vind. pp. 24, 25. The above instances, and others of a like nature, may be seen in Twysden's chapter on the authority of the crown in matters ecclesiastical. Ibid. pp. 129, et seqq.]

<sup>5</sup> [In this case, as in others, the reading of the new edition of Twysden's Vindication has been inserted into our Author's text.]

<sup>6</sup> [The authority is the Life of Archbp. Lanfranc, c. vi., prefixed to the Paris edition of his works. In a council touching precedence between the sees of Canterbury and York, the pope's legate subscribed the sixteenth. after all the English bishops. Twysden, Ibid.]

All our Canons are therefore (as they are justly Canons King's laws. called) the King's ecclesiastical Laws; because no Canons have the power of Laws, but such as he allows and confirms: and whatsoever Canons he confirmed of old, that had their original from a foreign power, he allowed for the sake of their piety or equity, or as a means of communion with the Church from whence they came; but his allowance or confirmation gave them all the authority they had in England.

It is a point so plain in history, that it is beyond Before the Conquest. question, that during all the time from St Gregory to the Conquest, the British, Saxon, and Danish Kings (without any dependence on the Pope) did usually make Ecclesiastical Laws. Witness the laws<sup>1</sup> of Æthelbirht, Ine, Wihtræd, Alfred, Edward, Æthelstan, Edmund, Edgar, Ethelred, Cnut, and Edward the Confessor; among whose laws<sup>2</sup>, one makes it the office of a King, to govern the Church as the Vicar of God.

Indeed, at last the Pope was officiously kind, and did bestow after a very formal way upon the last of those Kings, Edward the Confessor, a privilege, which all his predecessors had enjoyed as their own undoubted right before, viz. the protection of all the Churches of England, and power to him and his successors the Kings of England for ever, 'in his stead to make just ecclesiastical Constitutions, with the advice of their Bishops and Abbots<sup>3</sup>.' But with thanks to his Holiness, our Kings still continued their ancient custom

<sup>1</sup> [See 'Ancient Laws and Institutes,' ed. Thorpe, Vol. i.]

<sup>2</sup> [Leges Edw. Conf. sect. xviii. Vol. i. p. 499.]

<sup>3</sup> [Vid. Spelman. Concil. Tom. i. p. 634.]



which they had enjoyed from the beginning, in the right of the Crown, without respect to his courtesy in that matter.

After the  
Conquest.

After the Conquest, our Norman Kings did also exercise the same legislative power in ecclesiastical causes over ecclesiastical persons from time to time, with the consent of the Lords spiritual and temporal. Hence all those statutes concerning benefices, tithes, advowsons, lands given in mortmain, prohibitions, consultations, *præmunires*, *quare-impe-dits*, privilege of clergy, extortions of ecclesiastical courts or officers, regulations of fees, wages of priests, mortuaries, sanctuaries, appropriations; and in sum, as Bishop Bramhall adds, "all things which did belong to the external subsistence, regiment, and regulating of the Church<sup>1</sup>;" and this in the reigns of our best Norman Kings before the Reformation.

But what laws do we find of the Pope's making in England? Or what English law hath he ever effectually abrogated? It is true many of the Canons of the Church of Rome were here observed; but before they became obliging, or had the force of laws, the King had power in his great Council to receive them, if they were judged convenient, or if otherwise to reject them.

It is a notable instance that we have of this, in Henry the Third's time<sup>2</sup>. When some Bishops proposed in Parliament the reception of the ecclesiastical Canon, for the legitimation of children born be-

<sup>1</sup> p. 73; [Works, Vol. I. pp. 138, 139; ed. 1842.]

<sup>2</sup> 20<sup>o</sup> Hen. III. c. 9. [This and the following instance are also from Bramhall, *ubi supra*, p. 140.]

fore marriage, all the Peers of the Realm stood up, and cried out with one voice, ‘*Nolumus leges Angliæ mutari,*’ ‘we will not have the laws of England to be changed.’ A clear evidence that the Pope’s Canons were not English laws, and that the Popish Bishops knew they could not be so, without the Parliament.

Likewise the King and Parliament made a legislative exposition<sup>1</sup> of the Canon of the Council of Lyons, concerning bigamy; which they would not have done had they not thought they had power according to the fundamental laws of England, either to receive it or reject it.

These are plain and undeniable evidences, that when Popery was at highest, the Pope’s Supremacy in making laws for the English Church was very ineffectual, without the countenance of a greater and more powerful, viz., the supremacy of our own Kings.

Now admit that during some little space the Pope did impose, and England did consent to the authority of his Canons, (as indeed the very rejecting of that authority intimates); yet that is very short of the possession of it without interruption for nine hundred years together, the contrary being more than evident.

Consent  
admitted.

However this consent was given either by permission or grant. If only by permission, whether through fear or reverence, or convenience, it signifies nothing, when the King and kingdom see cause to vindicate our ancient liberties, and resolve to endure it no longer.

By per-  
mission.

<sup>1</sup> 4<sup>o</sup> Edw. I. c. 5.

Or by  
grant.

If a grant be pretended, it was either from the King alone, or joined with his Parliament. If from the King alone, he could grant it for his time only, and the power of resuming any part of the prerogative granted away by the predecessors, accompanies the Crown of the successor; and fidelity to his office and kingdom obligeth him in justice to retrieve and recover it.

I believe none will undertake to affirm, that the grant was made by the law, or the King with his Parliament; yet if this should be said and proved too, it would argue very little to the purpose; for this is to establish iniquity by a law. The King's prerogative, as head of this Church, lieth too deep in the very constitution of the kingdom, the foundation of our common law, and in the very law of nature; and is no more at the will of the Parliament, than the fundamental liberties of the subject.

Lastly, the same power that makes can repeal a law: if the authority of papal Canons had been acknowledged, and ratified by Parliament (which cannot be said), it is most certain it was revoked and renounced by an equal power, viz., of Henry the Eighth, and the whole body of the kingdom, both civil and ecclesiastical.

It is the resolution both of reason and law, that no prescription of time can be a bar to the Supreme Power; but that for the public good it may revoke any concessions, permissions or privileges. Thus it was declared in Parliament in Edward the Third's reign, when reciting the statute of Edward the First;—

they say<sup>1</sup>, ‘the statute holdeth always in force, and that the King is bound by oath to cause the same to be kept,’ (and consequently, if taken away, to be restored to its observation) ‘as the law of the land :’ that is, the common, fundamental, unalterable law of the land.

Besides the case is most clear, that when Henry VIII. began his reign, the laws asserting the Supreme Authority in causes, and over persons ecclesiastical, were not altered or repealed; and Henry VIII. used his authority against papal incroachments, and not against, but according to the statute, as well as the common law of the land. Witness all those noble laws of Provisors and *Præmunire*, which (as my Lord Bramhall<sup>2</sup> saith) “we may truly call the palladium of England, which preserved it from being swallowed up in that vast gulph of the Roman Court; made by Edward I., Edward III., Richard II., Henry IV.”

<sup>1</sup> [27<sup>o</sup> Edw. III. ‘Preamble.’]

<sup>2</sup> [Schism Guarded. Part I. Disc. IV.; Works, Vol. II. p. 433.]



## CHAPTER XI.

OF THE POWER OF LICENCES, &c. HERE, IN  
EDWARD III., RICHARD II., HENRY IV.,  
HENRY V., HENRY VI., HENRY VII.

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THOUGH the Pope be denied the legislative and judiciary (or executive) power in England, yet, if he be allowed his dispensatory power, that will have the effect of laws, and fully supersede or impede the execution of laws, in ecclesiastical causes, and upon ecclesiastical persons.

It is confessed, the Pope did usurp and exercise this strange power, after a wonderful manner in England, before Henry VIII., by his licences, dispensations, impositions, faculties, grants, rescripts, delegacies, and other such kind of instruments, as the statute 25<sup>o</sup> Henry VIII. mentions<sup>1</sup>;—and that this power was denied or taken from him by the same statute, (as also<sup>2</sup> by another, 28<sup>o</sup> Henry VII.,) and placed in (or rather reduced to) the jurisdiction of the Archbishop of Canterbury, saving the rights of the See of York,—in all causes convenient and necessary for the honour and safety of the King, the wealth and profit of the Realm, and not repugnant to the laws of Almighty God.

The grounds of removing this power from the Pope, as they are expressed in that excellent pre-

<sup>1</sup> 25<sup>o</sup> Hen. VIII. c. 21.

<sup>2</sup> 28<sup>o</sup> Hen. VIII. c. 16.

amble to the said statute<sup>1</sup>, 25<sup>o</sup> Henry VIII., are worthy our reflection :—they are

(1) The Pope's usurpation in the premises.

(2) His having obtained an opinion in many of the people, that he had full power to dispense with all human laws, uses, and customs, in all causes spiritual.

(3) He had practised this strange usurpation for many years.

(4) This his practice was in great derogation of the imperial Crown of this realm.

(5) England recogniseth no superior, under God, but the King only, and is free from subjection to any laws but such as are ordained within this realm, or admitted customs by our own consent and usage, and not as laws of any foreign power.

(6) And lastly, that according to natural equity, the whole state of our realm in Parliament hath this power in it, and peculiar to it, to dispense with, alter, abrogate, &c., our own laws and customs for public good ; which power appears by wholesome Acts of Parliament, made before the reign of Henry VIII., in the time of his progenitors.

For these reasons it was enacted<sup>2</sup> in those statutes of Henry VIII., 'That no subject of England should sue for licences, &c., henceforth to the Pope, but to the Archbishop of Canterbury.'

Now it is confessed before, and in the preamble to the statute, that the Pope had used this power for many years ; but this is noted as an aggravation of

<sup>1</sup> [c. 21.]

<sup>2</sup> [25<sup>o</sup> Hen. VIII. c. 21. § 2.]

the grievance, and one reason for redress ;—but whether he enjoyed it from the time of Saint Austin, or how long quietly, is the proper question ; especially seeing the laws of the land, made by king Henry's predecessors, are pleaded by him in contradiction to it.

No in-  
stance 1100  
years after  
Christ.

Yea, who will come forth and shew us one instance of a papal dispensation in England for the first eleven hundred years after Christ ? If not, five hundred of the nine hundred years' prescription, and the first five hundred too, as well as the first eleven hundred of the fifteen, are lost to the Popes, and gained to the prescription of the Church of England. But

Did not the Church of England, without any reference to the Court of Rome, use this power during the first eleven hundred years ? What man is so hardy as to deny it, against the multitude of plain instances in history ?

Did not our Bishops relax the rigour of ecclesiastical Canons ? Did not all Bishops, all over the Christian world, do the like before the monopoly was usurped<sup>1</sup> ?

In the laws of Alfred alone<sup>2</sup>, and in the conjoint laws<sup>3</sup> of Edward and Guthrum, how many sorts of ecclesiastical crimes were dispensed with, by the sole

<sup>1</sup> [“ According to Thomassin (Vet. et Nov. Eccl. Discip. Tom. II. p. 606) dispensations and licences were originally granted to all Bishops ; but gradually in the tenth and following centuries, they were allowed to devolve to, or were usurped by, the Roman pontiffs.” Mr Palmer's ‘ Treatise on the Church,’ Vol. I. p. 335 ; 3rd edit.]

<sup>2</sup> [See ‘ Ancient Laws and Institutes,’ ed. Thorpe, Vol. I. pp. 44, et seqq.]

<sup>3</sup> [Ibid. pp. 166, et seqq.]

authority of the King and Church of England; and the like we find in the laws of some other Saxon kings.

Dunstan the archbishop had excommunicated a great count: he made his peace at Rome; the Pope commands his restitution. Dunstan answered<sup>1</sup>, "I will obey the Pope willingly when I see him penitent, but it is not God's will that he should lie in his sin free from ecclesiastical discipline to insult over us. God forbid that I should relinquish the law of Christ for the cause of any mortal man." This great instance doth two things at once, justifieth the Archbishop's, and destroyeth the Pope's authority in the point.

The Church of England dispensed with those irreligious nuns in the days of Lanfranc<sup>2</sup>, with the counsel of the King; and with queen Maud<sup>3</sup>, the wife of Henry the First, in the like case, in the days of Anselm, without any suit to Rome or foreign dispensation.

These are great and notorious and certain instances; and when the Pope had usurped this power afterwards, it is observed that as the 'Delected Cardinals' style the avaricious dispensations of the Pope<sup>4</sup> 'sacrilegious,' so our Statutes of Provisors<sup>5</sup> expressly say, they are "the undoing and destruction of the common law of the land."

<sup>1</sup> [Apud Spelman, Concil. Tom. i. p. 481.]

<sup>2</sup> Lanfranc, epist. xxxii. [Opp. p. 316, col. 2. c; ed. Paris, 1648.]

<sup>3</sup> Eadmer, [Hist. Nov.] pp. 56, 57.

<sup>4</sup> [See the document referred to in Brown's Appendix to the 'Fasciculus Rerum,' etc., pp. 232, et seqq.]

<sup>5</sup> 25<sup>o</sup> Edw. III. [Stat. vi. c. 2.]



Accordingly, the King, Lords and Commons, complained of this abuse, as a mighty grievance; "of the frequent coming among them of this infamous messenger, the Pope's *Non-obstante*," (that is, his dispensations), "by which oaths, customs, writings, grants, statutes, rights, privileges, were not only weakened, but made void<sup>1</sup>."

Sometimes these dispensative Bulls came to legal trials. Boniface VIII. dispensed with the law whereby the Archbishop of Canterbury was Visitor of the University of Oxford, and by his Bull exempted the University from his jurisdiction; and that Bull was decreed void in Parliament by two successive Kings, as being obtained to the prejudice of the Crown, the weakening of the laws and customs of the kingdom, in favour of heretics, Lollards, &c....and to the probable ruin of the said University<sup>2</sup>.

In interruption of this Papal usurpation, were those many laws made 25<sup>o</sup> Edward I. and 35<sup>o</sup> Edward I., 25<sup>o</sup> Edward III. and 27<sup>o</sup> & 28<sup>o</sup> Edward III., and afterwards more expressly in the sixteenth<sup>3</sup> of Richard II., where complaining of processes and censures upon Bishops of England, because they executed the King's commandments in his courts, they express the mischiefs to be 'the disinherison of the Crown,' 'the destruction of the King, laws, and realm;' that 'the Crown of England is subject to none under God;' and

<sup>1</sup> Mat. Paris, A.D. 1246, [p. 699; ed. 1639.]

<sup>2</sup> [Twysden (Hist. Vindication, pp. 84, 85, new ed.) narrates the circumstances at length, from the Rolls of Parl. 13<sup>o</sup> Hen. IV. §§ 15, 16, 17.]

<sup>3</sup> [c. 5; Statute of Præmunire.]

both the clergy and laity severally and severely protest to defend it against the Pope; and the same King contested the point himself with him, and would not yield it<sup>1</sup>.

“An excommunication by the Archbishop, albeit it be disannulled by the Pope or his legates, is to be allowed; neither ought the Judges to give any allowance of any such sentence of the Pope or his legate,” according to 16 Edward III. Tit. Excom. 4.<sup>2</sup>

For the Pope's Bulls in special, our laws have abundantly provided against them, as well in case of excommunication as exemption<sup>3</sup>,—as is evidenced by my Lord Coke out of our English laws<sup>4</sup>. He mentions a particular case, wherein the Bull was pleaded for evidence that a person stood excommunicate by the Pope; but it was not allowed, because no certificate testifying this excommunication appeared from any Bishop of England<sup>5</sup>.

So late as Henry IV.<sup>6</sup>, “if any person of religion obtain of the Bishop of Rome to be exempt from obedience, regular or ordinary, he is in case of a *præmunire*; which is an offence *contra regem, coronam et dignitatem suas*.”

<sup>1</sup> [Viz. in the case above mentioned, when the pope had exempted the University of Oxford from the jurisdiction of Archbishop Arundel.]

<sup>2</sup> Lord Coke, Caudrey's Case, [Reports, Part v. fol. 14, b; ed. 1624.]

<sup>3</sup> Vid. 30 Edw. III. Lib. Ass. Placit. 19.

<sup>4</sup> Ubi supra, fol. 15, b.

<sup>5</sup> [See Coke, ubi supra; the authority is] 31 Edw. III. Tit. Excom. 6. The same again, 8 Hen. VI. fol. 3, [Coke, fol. 26, a]; 12 Edw. IV. fol. 16, [Coke, fol. 27, a]; 2 Rich. III. fol. 22, [Coke, 27, b]; 1 Hen. VII. fol. 10, [Coke, 27, b.]

<sup>6</sup> Stat. 2<sup>o</sup> Hen. IV. c. 3, [in Coke's Reports, Part v. fol. 23, b.]

Again more plain to our purpose, in Henry the Fifth's time, after great complaint in Parliament of the grievances, by reason of the Pope's licences to the contrary, it was enacted<sup>1</sup>, that "the King, willing to avoid such mischiefs, hath ordained and established, that all the incumbents of every benefice of holy Church of the patronage...of spiritual patrons, might quietly enjoy their benefices without being inquieted... by any colour of provisions, licences and acceptations by the Pope,—and that all such licences and pardons upon, and by such provisions made in any manner, should be void and of no valour; and that the molestors, &c....by virtue thereof incur the punishments contained in the Statutes of Provisors before that time made."

"The King only may grant or licence to found a spiritual incorporation"—as it is concluded by our law<sup>2</sup>, even in Henry the Sixth's time.

Further, in Edward the Fourth's reign, "the Pope granted to the Prior of Saint John's to have a sanctuary within his priory; and this was pleaded and claimed by the Prior; but it was resolved by the Judges, that the Pope had no power to grant any sanctuary within this realm, and therefore by judgment of the law it was disallowed<sup>3</sup>."

We have thus, fully I hope, justified the words of the statute of Henry VIII., that the laws made in the times of his predecessors, did in effect the same things; especially those of Edward I., Edward III.,

<sup>1</sup> Stat. 3<sup>o</sup> Hen. V. c. 4; [Coke, *ibid.* fol. 25, a.]

<sup>2</sup> 9 Hen. VI. fol. 16, b; [Coke, *ibid.* fol. 26, a.]

<sup>3</sup> 1 Hen. VII. fol. 20; [Coke, *ibid.*]



Richard II., Henry IV., which that Parliament, 24<sup>o</sup> Henry VIII., refer us to<sup>1</sup>, expressly and particularly, —and how small time is left, for the Pope's prescription (if any at all for his quiet possession) of the power of licences in England. Yet it is confessed he had usurped, and by several instances been heedlessly, or timorously permitted, to exercise such a power, for many years together, as the Parliament acknowledgeth; though contrary to the ancient liberty, the common law, and so many plain decrees of our Judges, and statutes of the land from age to age, as have appeared.

<sup>1</sup> 24<sup>o</sup> Hen. VIII. c. 12.



## CHAPTER XII.

### OF THE PATRONAGE OF THE ENGLISH CHURCH —IN OUR KINGS—BY HISTORY—LAW.

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THIS flower of the Crown was derived from our ancient English and British kings to William the Conqueror, William Rufus, and Henry I.; who enjoyed the right of placing in vacant Sees, by the tradition of a ring and a crosier-staff, without further approbation, ordination, or confirmation from Rome, for the first eleven hundred years. Indeed then Hildebrand<sup>1</sup>, and after Calixtus<sup>2</sup>, did condemn and prohibit all investitures taken from a lay hand.

That before Hildebrand this was the undoubted right of the Crown, is evident both by history and law.

I.  
History.

For history, we find Malmsbury notes<sup>3</sup>, that king Edgar did grant to the monks of Glastonbury “the free election of their Abbot for ever:” but he “reserved to himself and to his heirs” the power to invest the brother elected “by the tradition of a pastoral staff.”

Therefore Ingulph<sup>4</sup> the Abbot of Croyland, in the time of the Conqueror, saith, “For many years (he might have said ages) past, there hath been no free

<sup>1</sup> [A.D. 1080; Vid. Labb. Concil. Tom. x. 381.]

<sup>2</sup> [i. e. Calixtus II. A.D. 1119; Labb. Concil. Tom. x. 862, can. II.]

<sup>3</sup> Malmesbur. de Gestis Regum, Lib. II. [p. 57; ed. 1601.]

<sup>4</sup> [Histor. p. 896; inter Rerum Angl. Script. ed. Francofurt. 1601.]

election of prelates; but the King's Court did confer all dignities, according to their pleasure, by a ring and a crosier."

Lanfranc desired of William the Conqueror the patronage of the Abbey of St Austin; but the King answered, "that he would keep all the crosier-staffs" (*i. e.* investitures) "in his own hand<sup>1</sup>." The same is testified of Anselm<sup>2</sup> himself by Eadmer: "He, after the manner and example of his predecessor, was inducted according to the custom of the land, and did homage to the King as Lanfranc" (his predecessor in the See of Canterbury) "in his time had done." And William the agent of Henry I. protested openly to Pope Paschal, "I would have all men here to know, that my lord the King of England will not suffer the loss of his investitures for the loss of his kingdom<sup>3</sup>." Indeed Pope Paschal was as resolute, though it be said not so just in his answer: "I speak it before God, Paschal the Pope will not suffer him to keep them without punishment, no, not for the redemption of his head<sup>4</sup>."

Here was indeed a demand made with confidence and courage; but had that Pope no better title than that of possession to claim by, he had certainly none at all. For (as Eadmer<sup>5</sup> concludes) "the cause seemed a new thing (or innovation) to this our age, and unheard of to the English, from the time that the

<sup>1</sup> [Gervas. Dorobern, col. 1327; inter Scriptores x]

<sup>2</sup> Eadmer. Hist. Nov. p. 20; [ed. Selden.]

<sup>3</sup> Ibid. p. 73.

<sup>4</sup> [Ibid.]

<sup>5</sup> In Præfat. p. 2. [For much valuable information respecting Investitures, see Bp. Carleton's 'Jurisdiction,' Chap. vii. § iv. pp. 137—161; ed. Lond. 1610.]

Normans began to reign (that I say not sooner); for from the time that William the Norman conquered the land, no Bishop or Abbot was made before Anselm, who did not at first do homage to the King, and from his hand, by the gift of a crosier-staff, receive the investiture to his Bishopric or Abbacy, except two Bishops of Rochester;”—who were surrogates to the Archbishop, and inducted by him by the King’s leave.

Indeed now the Pope began to take upon him in earnest, and to require an oath of fidelity of the Archbishop when he gave him the pall, and to deny that pall if he would not take it. A new oath never before heard of, or practised:—“an oath of obedience” to himself, as it is expressly called in the edition<sup>1</sup> of Gregory XIII.—an oath not established by any Council, but only by papal authority, by Paschalis himself, as Gregory IX. recordeth<sup>2</sup>.

This oath at first, though new, was modest, bounding the obedience of the Archbishops only by the rule of the holy Fathers, as we find in the old Roman Pontifical; but it was quickly changed from ‘*Regulas Sanctorum Patrum*’ to ‘*Regalia Sancti Petri*.’ “The change,” as my lord Bramhall observes, “in letters was not great, but in sense abominable<sup>3</sup>.”

Bellarmino<sup>4</sup> would persuade us, that the like oath

<sup>1</sup> [Greg. IX. Decretal. Lib. i. ‘de Electione,’ etc, cap. iv.; in the ‘Corpus Juris Canonici.’ These decretals were published ‘cum privilegio Gregor. XIII.’]

<sup>2</sup> [Ibid., and compare Twysden’s Vindication, pp. 63, 64.]

<sup>3</sup> [See Bramhall’s ‘Schism Guarded,’ Part I. Disc. iv.; Works, Vol. II. p. 419.]

<sup>4</sup> [De Romano Pontif. Lib. III. c. 2; in Disput. Tom. I. p. 193, B; ed. Colon. 1628.]

was given in Gregory the First's time ; but that was nothing like an oath of obedience, and was only an oath of abjuration of heresy, not imposed but taken freely ; no common oath of Bishops, nor any thing touching the royalties of St Peter, as may be seen in Gregory's Epistles<sup>1</sup>.

About an hundred years after, in the time of Gregory the Ninth, they extended<sup>2</sup> the subjects of the oath as well as the matter ; enlarging it from Archbishops to all Prelates, Bishops, Abbots, Priors ; and now they cry up the Canons above all imperial Laws.

But to decide this point of swearing allegiance to the Pope (which could not be done without going in person to Rome), it is sufficient that by all our laws, no clergyman could go to Rome without the King's licence, and that by an ancient Britannic law, " If any subject enter into league with another" Prince, " professing fidelity and obedience to any one" besides the King, " let him lose his head<sup>3</sup>."

But let us admit that the Pope, eleven hundred years after Christ, got possession of the English Church, and the conscience of the Bishops by investitures and oaths ; who will shew us that he had it sooner ? Who will maintain that he kept it quietly till Henry VIII. ?

This last point will be clear, by examining our laws, the second topic propounded at the beginning

II.  
Law.

<sup>1</sup> [Lib. x. ep. xxxi. c. 31. Indict. v. : Cf. Twysden's Vindication, p. 64 ; and Bramhall, ubi supra.]

<sup>2</sup> [Twysden, p. 65.]

<sup>3</sup> Hector. Boeth. Hist. Scot. Lib. xii. [quoted by Bramhall, Vol. ii. p. 422.]



of this discourse. For if his possession were good, it was settled in law, and if quiet, the laws were not made to oppose it, by the great States of the kingdom.

1. Clarendon.

My lord Bramhall<sup>1</sup> hath produced three great laws, as sufficient to determine this controversy, whether the King or the Pope be Patron of the English Church,—the Assize of Clarendon, the Statute of Carlisle, and the Statute of Provisors. The first tells us plainly, that ‘the election of an Archbishop, Bishop, Abbot, or Prior, was to be made by the respective dignitaries upon the King’s calling them together to that purpose, and with the King’s consent. And there the person elected was presently to do homage to the King as to his liege lord<sup>2</sup>.’

2. Statute of Carlisle.

And that this method was exclusive of the Pope, the Statute of Carlisle<sup>3</sup> is very distinct: “The King is the founder of all Bishopries, and ought to have the custody of them in the vacancies, and the right of patronage to present to them”; and that “the Bishop of Rome, usurping the right of patronage, giveth them to aliens”; that this “tendeth to the annihilation of the state of holy Church, to the disinheriting of Kings, and the destruction of the realm”: “this is an oppression, and shall not be suffered.”

3. Statute of Provisors.

The Statute of Provisors, 25<sup>o</sup> Edward III., affirms, that “elections were first granted by the King’s progenitors, upon condition to demand licence of the King to choose, and after the election to have the

<sup>1</sup> [Schism Disarmed, Part i. Disc. iv. Vol. ii. p. 407.]

<sup>2</sup> [Mat. Paris, Hist. Major. A. D. 1164, p. 101.]

<sup>3</sup> [35<sup>o</sup> Edw. I. c. 4. § 3.]

royal assent ;...which conditions not being kept, the thing ought by reason to resort to his first nature." And therefore they conclude, that "in case reservation, collation, or provision, be made by the Court of Rome, of any Archbishopric, &c....the King and his heirs shall have the collations for the same time... such as his progenitors had before the free elections were granted<sup>1</sup>."

And they tell the King plainly, that "the right of the Crown, and the law of the land is such," that the King "is bound to make remedies and laws against such mischiefs<sup>2</sup>." And they acknowledge "that he is advowee paramount immediate of all churches, prebends, and other benefices, which are of the advowry of holy Church : " i. e. sovereign Patron of it.

My Lord Coke more abundantly adds the resolutions and decrees of the law, to confirm us in the point. In the time of William I., "it is agreed that no man can make any appropriation of any church having cure of souls, but he that hath ecclesiastical jurisdiction ; but William I. did make such appropriations of himself, without any other<sup>3</sup>."

"Edward I. presented his clerk, who was refused by the Archbishop, for that the Pope by way of provision had conferred it on another. The King brought his *Quare non admisit*, the Archbishop pleaded that the Bishop of Rome had long time before provided to the same church as one having supreme authority, and that he durst not, nor had power to put him out,

<sup>1</sup> [25<sup>o</sup> Edw. III. Stat. vi. § 3.]

<sup>2</sup> [Ibid. § 2.]

<sup>3</sup> 7 Edw. III. Tit. 'Quare Impedit,' 19 ; [Coke, Caudrey's Case ; Reports, Part v. fol. 10, b.]

which was by the Pope's bull in possession; for which, ...by judgment of the common law, the lands of his whole Bishopric were seized into the King's hands, and lost during his life<sup>1</sup>." And my lord Coke's note<sup>2</sup> upon it is, that this judgment was before any statute was made in that case.

In the reign of Edward III., "it is often resolved that all the Bishoprics within England were founded by the King's progenitors, and therefore the advowsons of them all belong to the King, and at the first they were donative; and that if an incumbent of any church die, if the patron present not within six months, the Bishop of that diocese ought to collate...if he be negligent by the space of six months, the Metropolitan of that diocese shall confer one to that church;" 'and lastly, by the common law the lapse is to the King, as to the supreme within his own kingdom, and not to the Bishop of Rome<sup>3</sup>.'

This King presented to a benefice, his presentee was disturbed by one that had obtained Bulls from Rome, for which offence he was condemned to perpetual imprisonment<sup>4</sup>.

It is no small spice of the King's ecclesiastical patronage, that we find the King made Canons secular to be regular<sup>5</sup>; and that he made the Prior and Convent of Westminster a distinct corporation from the Abbot<sup>6</sup>.

But more full is the case of Abbot Morris<sup>7</sup>, who

<sup>1</sup> [Coke's Reports, ubi supra, fol. 12, b.]

<sup>2</sup> [Ibid.]

<sup>3</sup> [Coke, ubi supra, fol. 14, b.]

<sup>4</sup> [Fol. 15, a.]

<sup>5</sup> [Fol. 16, b.]

<sup>6</sup> [Fol. 17, a.]

<sup>7</sup> [Fol. 16, b.]

sent to Rome to be confirmed by the Pope; who by his bull slighted the election of Morris, but gave him the Abbey, of his spiritual grace, and at the request (as he feigned) of the King of England. This Bull was read and considered of in Council, that is, before all the Judges of England; and it was resolved by them all, that this Bull was against the laws of England, and that the Abbot for obtaining the same was fallen into the King's mercy,—whereupon all his possessions were seized into the King's hands.

In the reign of Richard II., one sued a provision in the Court of Rome against an incumbent, recovered the church, brought an action of account for oblations, &c.; but the whole Court was of opinion against the plaintiff, and thereupon he became nonsuit<sup>1</sup>. See statute 16<sup>o</sup> Richard II., c. 5, against all papal usurpations, and this in particular; the pain is a *Præmunire*.

In Henry the Fourth's reign, "the Judges say that the statutes which restrain the Pope's provisions to the benefices of the advowsons of spiritual men were made, for that the spirituality durst not in their just cause say against the Pope's provisions; so as those statutes were made, but in affirmance of the common laws<sup>2</sup>."

Now what remains to be pleaded in behalf of the Pope's patronage of our Church, at least as to his possession of it, against so many plain and great evidences, both of law and deed?

All pretences touching the Pope's giving the Pall are more than anticipated; for it is not to be denied,

<sup>1</sup> [Coke, ubi supra, fol. 20, b.]

<sup>2</sup> [Ibid. fol. 23, a.]



but that was not held necessary, either to the consecration, confirmation, or investiture of the very Archbishop before Anselm's time: yea it is manifest that Lanfranc, Anselm, and Ralph, did dedicate churches, consecrate Bishops and Abbots, and were called Archbishops, while they had no pall, as Twysden proves out of Eadmer<sup>1</sup>.

We never read that either Laurentius or Mellitus received the pall from Rome, who no doubt were as lawful Archbishops as Austin. Girald<sup>2</sup> and Hoveden<sup>3</sup> both give us an account that Samson of St David's had a pall, but do not say from Rome; though in the time of infection he carried it away with him. After Paulinus there are five in the catalogue of York<sup>4</sup> expressly said to have wanted it (and Wilfrid was one of them), yet are reputed both Archbishops and Saints; and of others in that series, it is not easy to prove they ever used it, nor Adilbaldus, till the fourth year after his investiture. And Gregory the Great saith<sup>5</sup>, that it ought not to be given *nisi fortiter postulanti*. What this honorary was anciently seems uncertain; but it is most certain, it could not evacuate the King's legal and natural patronage of our Church, or discharge the Bishops from their dependence on, and allegiance to, his Crown.

It is true indeed, when Pope Nicolaus could not deny it, he was graciously pleased to grant this

<sup>1</sup> [See Twysden's Vindication, pp. 64, 65; new edition.]

<sup>2</sup> [Girald. Cambrensis, Itiner. Lib. II. c. i. p. 855.]

<sup>3</sup> [R. de Hoveden, Annal., A.D. 1199, p. 798.]

<sup>4</sup> [See authorities for these facts in Twysden, Hist. Vind. pp. 60, 61.]

<sup>5</sup> [Epist. Lib. VII. ep. 5; Indict. I.]

patronage to Edward the Confessor<sup>1</sup>: “*Vobis et posteris vestris regibus committimus advocacionem,*” etc. ‘We commit the advowson of all the churches of England to you and your successors, Kings of England.’ It might have been replied, ‘*Nicolaus Papa hoc domino meo privilegium, quod ex paterno jure susceperat, præbuit,*’ as the Emperor’s advocate<sup>2</sup> said.

This is too mean as well as too remote a spring of our kingly power in the Church of England, though it might, *ad hominem*, sufficiently supersede (one would think) all papal practices against so plain and full a grant. If any thing passed by it, certainly it must be that very power of advowson, that the Popes afterwards so much pretended, and our laws (mentioned) were made on purpose to oppose them in.

We see no reason, therefore, against the statute of Henry VIII. so agreeable to the ancient rights and laws of this realm: ‘Be it enacted, that no person shall be presented, nominated, or commended to the Pope, to or for the dignity of an Archbishop or Bishop within this realm, nor shall send or procure there for any manner of bulls, briefs, palls, or other things requisite for an Archbishop or Bishop.’... ‘All such (viz. applications and instruments) shall utterly cease, and no longer be used within this realm;’ and such as do ‘contrary to this Act, shall run into the dangers, pains, and penalties of the statute of the Provision and *Præmunire*<sup>3</sup>.’

<sup>1</sup> [Apud Ailred. de Vita Edw. Confessor, col. 388, l. 53; inter Scriptores x.]

<sup>2</sup> Baron. Tom. xi. ad an. 1059, xxiii.

<sup>3</sup> 25<sup>o</sup> Hen. VIII. c. 20, [§ 2, 6.]

## CHAPTER XIII.

### OF PETER-PENCE, AND OTHER MONEYS FORMERLY PAID TO THE POPE.

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UPON complaint by Parliament, in Henry the Eighth's reign, of intolerable exactions of great sums of money by the Pope, as well in pensions, censes, Peter-pence, procurations, &c., and for infinite sorts of bulls, &c., otherwise than by the laws and customs of the realm should be permitted;—it was enacted<sup>1</sup>, that 'no person should thenceforth pay any such pensions, Peter-pence, &c., but that all such payments should thenceforth clearly surcease, and never more be levied, taken, or paid,'—and all annates or first-fruits, and tenths, of Archbishops and Bishops were taken away, and forbidden to be paid to the Pope, the year before<sup>2</sup>.

Our payments to the Court of Rome seem to have been of four sorts, Peter-pence, first-fruits and tenths, casual (for palls, bulls, &c.) and extraordinary taxations. Briefly of each:—

I. For Peter-pence (the only ancient payment), it was at first given and received as an alms—*eleemossyna beati Petri*, saith Paschalis II.<sup>3</sup>—perhaps rendered out of gratitude and reverence to the See of Rome,

<sup>1</sup> 25<sup>o</sup> Hen. VIII. c. 21, [§ 1.]

<sup>2</sup> 23<sup>o</sup> Hen. VIII. c. 20.

<sup>3</sup> Epist. Henrico I. apud Eadmer, p. 113, l. 27. [On the subject of payments to the Papacy, see Twysden's Hist. Vind. (pp. 94, et seqq.), from which this chapter was mainly derived.]

to which England was no doubt frequently obliged, for their care and counsel and other assistances: and by continuance this alms and gratitude obtained the name of rent, and was metaphorically called sometimes *tributum*<sup>1</sup>, but never anciently understood to acknowledge the Pope as superior lord of a lay-fee.

But when the Pope changed advice into precept, and counsel into law and empire, and required additions, with other grievous exactions, unto his Peter-pence, it was a proper time to be better advised of ourselves, and not to encourage such a wild usurpation with the continuance of our alms or gratitude.

This alms was first given by a Saxon king, but by whom it is not agreed; but that there was no other payment besides this made to Rome before the year 1245<sup>2</sup>, appears for that, though there was much complaint and controversy about our payments, we find the omission of no payment instanced in, but of that duty only; neither do the body of our kingdom in their remonstrance<sup>3</sup> to Innocent IV., 1246, mention any other as claimed from hence to Rome.

Yet this payment, as it was not from the beginning, and as it was at first but an alms; so it was not continued without some interruptions<sup>4</sup>, when Rome had given arguments of sufficient provocation, both in the times of William the First, and Henry his son, and Henry the Second. This latter, during the dispute with Becket and Alexander III., commanded the

<sup>1</sup> Vid. Twysden, [p. 95.]

<sup>2</sup> [Vid. Mat. Paris, Hist. Major, A.D. 1245, p. 667, l. 36.]

<sup>3</sup> [Apud Mat. Paris, p. 698, l. 51, etc.]

<sup>4</sup> [Twysden, p. 95.]



sheriffs through England, that Peter-pence should be gathered and kept, *quousque inde dominus Rex voluntatem suam præceperit*<sup>1</sup>.

Historians observe that Edward III. during the French war gave command, that no Peter-pence should be gathered or paid to Rome<sup>2</sup>; and the restraint continued all that Prince's time; for his successor Richard II., at the beginning of his reign, caused John Wickliff to consider the point,—who concludes<sup>3</sup>, those payments being no other than alms, the kingdom was not obliged to continue them longer than it stood with its convenience, and not to its detriment or ruin,—according to the rule in divinity, *extra casus necessitatis et superfluitatis eleemosyna non est in præcepto*.

Indeed, in the Parliament held the same year, the question was made, and a petition<sup>4</sup> preferred (which surely was some kind of disturbance of the payment) against them, with no effect:—the King restored them, and the payment of them continued till Henry VIII.

II. So much for Peter-pence;—for the other payments, viz. First-fruits and Tenths, and the casual payments for Bulls, &c., they so evidently depend on the Pope's supremacy for legislation, jurisdiction, and dispensation, that they are justly denied with it. However, we shall briefly examine the rise and the possession of them.

For the Annates and Tenths, which the Pope received from our Archbishops and Bishops, the his-

<sup>1</sup> [Mat. Paris, A.D. 1164, p. 103, l. 45.]

<sup>2</sup> Stow's Chronicle, A. D. 1365, p. 266, [ed. Lond. 1614.]

<sup>3</sup> [Twysden, p. 96.]

<sup>4</sup> [Rot. Parl. 1<sup>o</sup> Ric. II. § 84.]

torians agree, that England of all nations never submitted to the full extent of the papal commands or expectations; which no doubt was occasioned by the good laws made here against them<sup>1</sup>.

There is difference amongst writers in whose time the First-fruits began to be taken. Theodoricus à Niem saith<sup>2</sup>, Boniface IX., about the tenth year of his government<sup>3</sup>, was the first that reserved them; with whom Platina<sup>4</sup> agrees, and Polydore Vergil<sup>5</sup>, and many others (as Twysden<sup>6</sup> notes); and Walsingham<sup>7</sup> reduces them but to 1316.

But the question is, how long the Pope quietly enjoyed them? The kingdom was so intolerably burthened with papal taxes before (of which we shall speak hereafter), and these First-fruits and Tenths being a remembrance of those extraordinary taxes, and a way devised to settle and continue them upon us, they were presently felt and complained of. The Parliament complained<sup>8</sup> in general of such oppressions, 25<sup>o</sup> Edward III. A.D. 1351; and again more particularly, among other things of First-fruits, in the fiftieth of Edward the Third, and desire his Majesty ‘no collector of the Pope may reside in England<sup>9</sup>.’

<sup>1</sup> [Twysden, pp. 99, 100.]

<sup>2</sup> [De Schismate Universali, Lib. II. c. 27; ed. Argent. 1609.]

<sup>3</sup> [i. e. A.D. 1399.]

<sup>4</sup> De Vitis Pontif. in Bonif. IX. [p. 527; ed. 1664.]

<sup>5</sup> De Rerum Inventoribus, Lib. VIII. c. 2, [p. 463; ed. 1606.]

<sup>6</sup> [pp. 106, 107.]

<sup>7</sup> [Hist. Angl. A.D. 1316, p. 108, l. 42; inter Angl. Script. ed. Camden.]

<sup>8</sup> [Rot. Parl. 25<sup>o</sup> Edw. III. Octav. Purif. § 13.]

<sup>9</sup> Rot. Parl. 50<sup>o</sup> Edw. III. §§ 105, 106.

The King not complying, they again instance the year following, that ‘the Pope’s collector was as very an enemy to this state as the French themselves’; that he annually sent away twenty thousand marks, and sometimes twenty thousand pounds; and that he now raised for the Pope the first-fruits of all dignities,—which in the very beginning ought to be crushed<sup>1</sup>.

Yet they prevailed not to their minds; and in the next Parliament<sup>2</sup> the Commons preferred three petitions; first, touching the payment of First-fruits, not used in the realm before these times; secondly, reservation of benefices; thirdly, bestowing them on aliens, &c.—praying remedy; as also that the petitions of the two last Parliaments might be considered, and convenient remedies ordained. The King hereupon refers the matters for remedy to his grand or Privy Council<sup>3</sup>.

But neither yet was full satisfaction obtained (as appears), for that the Commons renewed in effect the same suits<sup>4</sup> in the third and fifth of Richard II., the inconveniences still continuing: after which the next Parliament obtained the statute of *Præmunire*<sup>5</sup>, which (as Polydore Vergil<sup>6</sup> observes) was a confining the papal authority within the ocean. To which law three years after some additions were made, and none of these laws were repealed by Queen Mary<sup>7</sup>.

<sup>1</sup> Rot. Parl. 51<sup>o</sup> Edw. III. §§ 78, 79.

<sup>2</sup> Rot. Parl. 1<sup>o</sup> Ric. II. §§ 66, 67, 68.

<sup>3</sup> [See Twysden, pp. 108, 109.]

<sup>4</sup> Rot. Parl. 3<sup>o</sup> Ric. II. § 57; [5<sup>o</sup> Ric. II. in crastina Animarum, §§ 90, 91.]

<sup>5</sup> 13<sup>o</sup> Ric. II. Stat. II. c. 2 & 3.

<sup>6</sup> [Angl. Hist. Lib. xx. p. 417, l. 32, etc.; ed. Basil, 1570.]

<sup>7</sup> 16<sup>o</sup> Ric. II. c. 5; [see Twysden, p. 110.]

To say the Bishops were pressed by the laity to pass that last Act, is so much otherwise, as that it is enrolled (as Twysden<sup>1</sup> observes) on the desire of the Archbishop of Canterbury. Neither would the Pope tolerate (as one<sup>2</sup> insinuates) any thing so exceedingly prejudicial to him, upon any reasonable pretence whatsoever.

In the same Parliament, the Commons petition that ‘the Pope’s collector may have forty days for his removal out of the kingdom<sup>3</sup> :’ the King considers.

But in the sixth of Henry IV., upon grievous complaints made by the Commons to the King, ‘of the horrible mischiefs and damnable customs which were then introduced of new in the Court of Rome, that none could have provision for an Archbishopric or Bishopric, until he had compounded with the Pope’s chamber, to pay great and excessive sums of money, as well for the First-fruits as other lesser fees—it was enacted, that whosoever should pay such sums should forfeit all they had<sup>4</sup>.’ This statute was made about an hundred years before Henry VIII.,—an inconsiderable time for so considerable a prescription.

III. We have noted that the clergy of England were not free from Roman taxations before the payment of Annates and Tenths, as they were afterwards

3.  
Payments  
extraordi-  
nary.

<sup>1</sup> [p. 111, the authority being the Rolls of Parl. 16<sup>o</sup> Ric. II. § 20, in fine.]

<sup>2</sup> [Persons, in his Answer to Coke’s Reports, p. 335.]

<sup>3</sup> [See the ‘Rolls,’ 13<sup>o</sup> Ric. II. § 43. The king’s answer is equivalent to a refusal; ‘le roy s’avisera.’]

<sup>4</sup> 6<sup>o</sup> Henr. IV. c. 1; [see Coke’s ‘Caudrey’s Case,’ fol. 23, b.]



stated: for there were occasional charges exacted from us by the Pope, which afterwards terminated in those constant payments, as before was intimated.

The first extraordinary contribution raised by allowance for the Pope's use in this kingdom, Twysden observes to have been A.D. 1183 (far enough off from the time of St Austin); when Lucius III. (at odds with the citizens of Rome) sent to Henry II., '*postulans auxilium* of him and his clergy<sup>1</sup>.' Whereupon two things considerable are observed, (1) the King, in this point concerning the Pope, consulted his own clergy, and followed their advice;—(2) the great care the clergy took to avoid ill precedents,—for they advised the King that he would receive the moneys as given by them to him, and not to the Pope, leaving the King to dispose it as he thought fit<sup>2</sup>.

This wariness being perceived, the Pope did not suddenly attempt the like again. We do not find any considerable sum raised from the body of the clergy for the support of the papal designs, till Gregory IX. demanded a tenth of all the moveables both of them and the laity, A.D. 1229<sup>3</sup>. The temporal Lords refused, and the clergy unwillingly were induced to the contribution,—for it was no other.

The Pope ventured no more upon the laity, but eleven years after<sup>4</sup> he demanded of the clergy a fifth part of their goods; and after many contests and strugglings, and notwithstanding all the arguments<sup>5</sup>

<sup>1</sup> R. de Hoveden, A.D. 1183, [p. 622, l. 17, etc.]

<sup>2</sup> [See Twysden, pp. 99, 100.]

<sup>3</sup> [Mat. Paris, Hist. Major. pp. 361, 362.]

<sup>4</sup> [Ibid. A.D. 1240, p. 526, l. 20.]      <sup>5</sup> [Mat. Paris, p. 534.]

of the poor clergy, by the King's and Archbishop's means, they were forced to pay it.

But neither that reluctancy, nor the remonstrance of the kingdom at the Council of Lyons<sup>1</sup>, 1245, nor that to the Pope himself the year following, could prevail then to change the shoulder or the method of oppression: for Innocent IV., 1246, invents a new<sup>2</sup> way, by charging every religious house with finding of soldiers for his service for one year,—which amounted to eleven thousand marks<sup>3</sup> for that year; with many devices for his advantage. But did he go on more quietly than he began? No certainly:—see the petition<sup>4</sup> of the Commons in Parliament, 1376.

The two Cardinals Priests' agents<sup>5</sup> were not suffered to provide for them a thousand marks a-year apiece; but the state chased them out of the kingdom, and the King sent through every county, that none henceforth should be admitted *per Bullam*, without the special licence of the King<sup>6</sup>.

And a while after, the Parliament held 20<sup>o</sup> Edward III., 1346, petition<sup>7</sup> more plainly, and mention the matter of the two Cardinals, as an intolerable grievance; in which the King gave them satisfaction.

However, the usurpation grows against all opposition; and it is no longer a tax for one year only, as at

<sup>1</sup> [Mat. Paris, p. 666, l. 51, etc.]

<sup>2</sup> [Ibid. p. 701, l. 56; p. 707, l. 30; p. 708.]

<sup>3</sup> [Ibid. p. 730, l. 16.]

<sup>4</sup> Rot. Parl. 50<sup>o</sup> Edw. III. § 107; [Twysden, p. 102.]

<sup>5</sup> [Rot. Parl. 17<sup>o</sup> Edw. III. § 59; Thom. Walsingham, p. 161, l. 23.]

<sup>6</sup> [Hen. de Knyghton, col. 2583, l. 50.]

<sup>7</sup> Rot. Parl. 20<sup>o</sup> Edw. III. § 33, § 35.

first, but for six years successively, pretending war with infidels: so dealt John XXI.<sup>1</sup>, A.D. 1277, and Clement V.<sup>2</sup>, in the Council of Vienne, 1311.

Exactions of this kind were so abominable, that Martin V., at the Council of Constance, 1418, was constrained to make that remedy<sup>3</sup>, ‘*Nullatenus impo-  
nantur*,’ &c.—upon which decree a supply of the tenth being twice demanded, viz. 1515 and 1518, by Leo X. against the Turk, the English clergy denied them both times<sup>4</sup>.

Thus the Papacy by little and little, and through great opposition, at length brought the taxes to that we now call tenths; and annates proceeded gradually, but by milder measures, to a like settlement; yet neither continued without the disturbances before mentioned.

IV. There is nothing remains under the head of money, but the casual and accidental profits, accruing by Bulls and Licences, and lesser ways and conditions of advantage, which did much help the rest to drain us of our wealth. But these obtained upon private persons, and many times in methods not cognizable by law; neither were the people so apt to complain in such cases, because they had something (which they unaccountably valued) for their money: and the possession of a false opinion in the vulgar (as jugglers and cheats may equally glory in) can never be soberly

4.  
Casual  
Payments.

<sup>1</sup> [W. Thorn, col. 1926, l. 29; inter Scriptores x.]

<sup>2</sup> [Thom. Walsingham, p. 99, l. 14.]

<sup>3</sup> Concil. Constant. Sess. XLIII., [apud. Labb. Concil. Tom. XII. 255.]

<sup>4</sup> [Herbert's Life of Hen. VIII. pp. 57, 79; ed. 1672.]

interpreted to be a good and sufficient title to the supremacy of the Church of England;—yet it is not amiss to remember, that the Pope's messenger, John de Obizis, for acting against the King's laws in getting money for his master, was cast into prison<sup>1</sup>.

Neither can we reasonably imagine but that much of that vast sum<sup>2</sup> was gathered by those ways, which in the reign of Henry III. the Lords and Commons complain of, viz. that above eighty thousand marks yearly was carried hence into Italy.

It was some disturbance of such kind of receipts, that the law<sup>3</sup> forbids 'any such Bulls to be purchased for the time to come upon pain of a *Præmunire*;' and that it was decreed<sup>4</sup> that 'the Pope's collector, though he have a Bull for the purpose, hath no jurisdiction within this realm.'

And if the ancient law of the realm saith that the Pope cannot alter the laws of England, that law condemns his raising money upon the people in any kind, without special law to that purpose;—a prerogative the kings of England themselves do not claim. Therefore that standing fundamental law of England always lay in bar against, and was a continual, real, and legal disturbance of the Pope's possession of power to impose taxes, or by any devices to collect money from the English, either laity or clergy.

<sup>1</sup> [Spencer's Life of Archbp. Chichele, p. 99; Lond. 1783: Wilkins' Concil. Tom. III. p. 486.]

<sup>2</sup> [Mat. Paris, A.D. 1246, pp. 715—717; Carte's Hist. of England, Vol. II. p. 87. On the authority of these writers, the text has been corrected from 'four hundred thousand pounds,' the sum stated by Fullwood or his printer.]

<sup>3</sup> Stat. 7<sup>o</sup> Hen. IV. c. 6; [see Coke, Reports, Part v. fol. 24, b.]

<sup>4</sup> 1 Hen. IV. fol. 9; [Coke, Ibid, fol. 22, b.]



## CHAPTER XIV.

### THE CONCLUSION OF THE ARGUMENT FROM PRESCRIPTION—IT IS ON OUR SIDE—NO FORCE FOR THE POPE.

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WE have seen what the argument from Prescription is come to,—how far short of nine hundred years, and how unsettled, both in law and practice, it ever was, both as to jurisdiction in the Pope's court at Rome and by his Legates here,—and as to legislation by the force of his Canons, and his dispensation by faculties, licences, and any sort of bulls, &c.,—and as to his patronage of, or profits from, the English Church.

If a just computation were made, I believe the argument from Possession would really appear to be on our side; our Kings having enjoyed and flourished in the exercise of supremacy over us ever since the Act of Henry VIII. extinguishing the Pope's usurpation here, with far more quiet and less interruption than ever the Pope did for so long a time.

Besides, other qualifications of our King's possession do mightily strengthen the plea above any thing that can be alleged on the Pope's behalf.

(1) Our Kings had possession from the beginning according to the Canon<sup>1</sup>, and therefore could never be lawfully divested: ancient histories are evident for

<sup>1</sup> [An allusion probably to the sixth Nicene Canon, *Tà ἀρχαῖα ἔθνη κρατεῖτω, κ.τ.λ.*]

us, and Baronius<sup>1</sup> determines well, 'what is said by a modern concerning ancient affairs, without the authority of any more ancient, is contemned.'

This ancient Possession of our Kings hath ever been continued and declared and confirmed by our laws, and the consent of the whole kingdom signified thereby: and these laws have still been insisted on, and repeated, when there hath been any great occasion, and fit opportunity to vindicate our ancient liberties. But the Pope could never obtain any legal settlement of his power here before Queen Mary's reign; nor by her neither in the main branches of it, though indeed she courted him with the dignity of a great name and a verbal title<sup>2</sup>.

Indeed, the subject of the question being a spiritual right, our adversaries themselves agree, that Possession sufficient to prove it ought to begin near Christ's time; and he that hath begun it later (as certainly the Pope did), unless he can evidence that he was driven out from an ancients possession (as the Pope can never do), is not to be styled a possessor, but an usurper, an intruder, an invader, disobedient, rebellious, and schismatical; as no doubt by S. W.'s logic the Pope is, as before was noted<sup>3</sup>.

I shall conclude with the grave and considerate concession of Father Barnes (noted by Dr Stillingfleet<sup>4</sup>),

<sup>1</sup> Annal. Tom. I. ad an. 1, XII.

<sup>2</sup> [See Twysden's Vindication, p. 110.]

<sup>3</sup> [See above, p. 114.]

<sup>4</sup> [Vindication of Archbp. Laud, Vol. II. pp. 171, 172. The whole of Barnes's 'Catholico-Romanus Pacificus' is printed in Brown's Appendix to the 'Fasciculus Rerum'; for the passage in question, see p. 839.]

who, after his thorough study of the point, upon clear conviction determined it positively for us in these words :

“The Britannic Church may plead the Cyprian privilege, that it was subject to no Patriarch ; and although this privilege was taken away by force and tumult, yet being restored by the consent of the kingdom in Henry the Eighth’s time, and quietly enjoyed since, it ought to be retained for peace’ sake, without prejudice of Catholicism, and the brand of schism ;”—by which he grants all that is pertinent to our cause, (1) that the Pope had not possession here from the beginning, nor ought to have had : (2) that he took advantage, *bellorum tumultibus et vi*, for his usurpation : (3) that our ancient Cyprian privilege was restored by Henry the Eighth, *totius Regni consensu*, ‘with the consent of the whole kingdom’ : (4) that never since it had been peaceably prescribed (*pacifice præscriptum*), or quietly enjoyed : (5) and that therefore it still ought to be retained, *sine schismatis ullius nota*, ‘without the brand or charge of schism,’—which is the only thing contended for.

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## CHAPTER XV.

### THE ARGUMENT FROM INFALLIBILITY CONSIDERED;—IN ITS CONSEQUENCE RETORTED.

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THE two last arguments for proof of the Pope's authority are general, and not limited to the Church of England, as the three former were; they are his Infallibility, and his Universal Pastorship,—which remain to be examined.

From his Infallibility it may be argued thus: Whether the Pope were the means of our conversion, or have a patriarchal right over us, or have had possession of the government of the English Church heretofore or not, if he be really and absolutely infallible, he hath thereby a right to govern us; and we are bound to be ruled and directed by him. But the Pope is really and absolutely infallible. *Ergo, etc.* Argument.

The consequence would tempt a denial: indeed, Infallibility is an excellent qualification for an Universal Rector, but are not qualification and commission two things? Hath God given authority to every man equal to his parts, to his natural, acquired, or infused abilities? If not, what necessity is there that he hath to the Pope? If all power, as well as all wisdom, is from God (the prime Fountain of them both), and if we pretend to both, need we evidence only one? Consequence.

Indeed, we ought to be guided by one that is



infallible (if such a one there be); but the necessity ariseth from prudence, not immediately from conscience; unless by some other way of authority God hath given him power to govern us, as well as ability: otherwise we ought to submit ourselves to the guidance of the Pope, as a good and wise man, or as a friend, as our ancestors did, and not as our lord.

The true question is, Whether God hath given the power of government to the Pope, and directly appointed him to be the Universal Pastor of his Church on earth; so that the controversy will bear us down to the last Chapter, whatever can be said here. And Infallibility is such a medium, as infallibly runs upon that solecism of argument, *obscurum per obscurius*; and indeed, if there be any inseparable connexion betwixt Infallibility and the Universal Pastorship (as is pretended), the contrary is a lawfuller way of concluding:—viz. if there be no one man appointed to govern the Church as Supreme Pastor under Christ, then there is no necessity that any one man should be qualified for it, with this wonderful grace of Infallibility. But it doth not appear that God hath invested any one man with that power; therefore not with that grace.

But lest this great Roman argument should suffer too much, let us at present allow the consequence; but then we must expect very fair evidence of the assumption, viz. that the Pope is indeed infallible.

I am aware that there are some vexing questions about the manner and subject of this Infallibility; but if we will put them out of the way, then the evidence of the Pope's or Church of Rome's Infallibility breaks

out from three of the greatest topics we can desire, Scripture, Tradition, and Reason. Let them be heard in their order.

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## SECTION I.

### I. ARGUMENT FROM SCRIPTURE FOR INFALLIBILITY, viz. EXAMPLE—HIGH PRIEST OF THE JEWS— APOSTLES.

**W**HETHER it be an excess or defect of charity in me I know not, but I cannot bring myself to believe that the fiercest bigot of popery alive can seriously think the Pope infallible, in the popish sense of the word; especially that the Holy Scriptures prove it.

I know that some fly the absurdity, by hiding the Pope in the Church: but if the Church be infallible, it is so as it is representative in general Councils, or diffusive in the whole body of Christians; and then what is Infallibility to the Church of Rome more than to any other? And how shall that which is common to all give power to one over all? Or what is it to the Pope, above another Bishop or Patriarch?

But 'the Pope is the Head and Universal Bishop as he is Bishop of Rome.'

That is begging a great question indeed, for the proof of the Pope's Infallibility (which his Infallibility ought to prove), and to prove the medium by the thing in question, after a new logic.

Besides, if the proper seat of Infallibility be the Church, in either of the senses it concerns our adversaries to solve Divine Providence; who use to argue

for this wonderful gift in the Church, 'if there be no Infallibility, God hath not sufficiently provided for the safety of souls, and the government of his Church.' For seeing the Church diffusive cannot be imagined to govern itself, but as collected; and seeing, as the Christian world is now circumstantiated, it is next to impossible we should have a general and free Council,—how shall this so necessary infallible grace in the Church be exerted, upon all occasions, for the ends aforesaid?

It is therefore most consonant to the Papal interest and reason to lodge this infallible gift in the Pope, or Court of Rome.

However, let us attend their arguments for the evidence of it, either in the Pope, or Court, or Church of Rome, in any acception; which are first drawn from Scripture, both examples and promises.

I.  
Argument  
from Ex-  
amples.

1.  
The High  
Priest.

I. From Scripture-examples they reason thus: 'the High-priest with his clergy in the time of the Law were infallible; therefore the Pope and his clergy are so now. The High-priest with his clergy in the time of the Law were so, as appears from Deuteronomy xvii. 8,—where in doubts the people were bound to submit and stand to their judgment, which supposeth them infallible in it:' as T. C. argues<sup>1</sup> with Archbishop Laud.

Answer.

Dr Stillingfleet<sup>2</sup> with others hath exposed this argument beyond all reply. In short, the consequence of it supposeth what is to be proved for the proof of Infallibility, viz. that the Pope is High-priest

<sup>1</sup> [Labyrinth. Cantuar.] p. 97, § 1.

<sup>2</sup> [Vindication, Vol. i. pp. 380, 381.]

of the Christian Church ; and we must still expect an argument for the Pope's Headship, if this must be granted, that we may prove him infallible, to the end we may prove his Headship. Were it said to the Christian Church, when any controversy of faith ariseth, ' Go to Rome, and there inquire the judgment of the Bishop, and believe his determinations to be infallible,' there had been no need of this consequence ; but seeing we read no such thing, the consequence is worth nothing.

Besides, the minor affirming the infallibility of the High-priest from that law of appeal in Deuteronomy xvii. 8, is justly questioned. There was indeed an obligation on the Jews to submit and stand to the judgment of that high Court, but no obligation nor ground to believe the judgment infallible. The same obligation lies upon Christians, in all judiciary causes, especially upon the last appeal, to submit in our practices, though not in our judgment or conscience to believe what is determined to be infallibly true :—a violence that neither the whole world nor a man's self can sometimes do to the reason of a man. Minor.

The text is so plain not to concern matters of doctrine, to be decided whether true or false, but matters of justice to be determined, whether right or wrong, that one would think the very reading of it should put an end for ever to this debate about it. The words are, " If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates ; then shalt thou arise and get thee up into the place which the



Lord thy God shall choose," &c. Thus God established a court of Appeal, a supreme court of Judicature, to which the last application was to be made, both in case of injury and in case of difficulty, called the great Sanhedrim. But note, here is no direction for address to this court, but when the case had been first heard in the lower courts, held in the gates of the cities: therefore the law concerned not the momentous controversies in religion, which never came under the cognizance of those inferior courts.

Therefore it is not said, whosoever doth not believe the judgment given to be true, but whosoever acts contumaciously in opposition to it: "And the man that will do presumptuously, and will not hearken, even that man shall die<sup>1</sup>."

Besides, God still supposeth a possibility of error in the whole congregation of Israel<sup>2</sup>, and chargeth the priests with ignorance and forsaking his way, frequently by the Prophets.

But alas! where was the Infallibility of the High-priest, &c., when our blessed Saviour was condemned by him, and by this very court of the Sanhedrim? And when 'Israel had been for a long season without the true God, without a teaching priest, and without law<sup>3</sup>?'

2.  
The Apostles.

II. It is also argued from that example of the Apostles under the New Testament, 'that they were assisted with an infallible spirit, and there is the same reason for the Pope.' But this is to dispose God's

Answer.

<sup>1</sup> Deut. xvii. 12.

<sup>2</sup> Levit. iv. 13.

<sup>3</sup> 2 Chron. xv. 3: see Dr Stillingfleet, [Vindication, Vol. i. p. 384.]

gifts and wisdom by our own reason. The Apostles' Infallibility, attested with miracles, was necessary to the first plantation and state of the Church; and it no more followeth, that therefore the succeeding Bishops must be infallible because they were so, than that because Moses wrought miracles for the confirmation of the Law, therefore the Sanhedrim should work miracles for the ordinary government of Israel, according to the Law.

Besides, what reason can be given why this privilege of Infallibility should be entailed upon the Bishops of Rome more than other Bishops, who succeeded the infallible Apostles as well as the Pope? What ground hath he to claim it more than they? Or if they have all an interest in it, what becomes of the argument that the Pope is the Universal Head and Governor of the Church, because he is infallible?

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## SECTION II.

### ARGUMENT FROM THE PROMISES OF INFALLIBILITY.

‘GOD hath promised that his Church shall be preserved, which promise engageth his infallible assistance: therefore the Church by that assistance is always infallible.’ To this mighty purpose T. C. reasons<sup>1</sup> with Archbishop Laud.

II.  
Argument  
from Pro-  
mises.

‘God will certainly and infallibly have a Church, therefore that Church shall not only be, but be infallible in all her decrees *de fide*.’ Is not this strong Answer.

<sup>1</sup> [Labyrinth. Cantuar. p. 99, § 3.]

reason? God is infallible, therefore his Church is so; a Church shall continue, therefore it shall not err.

Pray what security doth the promise of the Church's perpetuity, or infallibility as to fundamentals, give to any single person or particular Church, that they shall continue in the Christian faith, more than it did to seven Churches in Asia? And where are they now?

The argument will conclude as well: God hath promised his Church shall ever exist upon earth; therefore (1) Christians (of which the Church consists) shall never die, as well as never fall away—for if the promise be made to the present Church in the Romanist's sense, it is made to the individuals that make the Church—(2) and that every particular Christian, as well as every particular Church, having an equal and common interest in the promise of assistance, is infallible.

If we should grant the Universal Church to be infallible, not only as to her perpetuity but her testimony,—which the argument reacheth not; yet it rests to be proved that the Church of Rome is the Catholic Church, and then that the Pope is the Church of Rome in the same sense that the Church of Rome is the Catholic Church, and that in the same consideration as the Catholic Church is infallible.

But if we consider the particular promises, the argument thence is so wide and inconclusive, that one would think no considerate man could be abused by it.

These promises are such as concern the Apostles and Church in general; or such as are pretended to dignify St Peter in special, and above the rest.

Such as concern the Apostles and the Church in General to Apostles. general are these three: "He that heareth you heareth me<sup>1</sup>," &c. True, while you teach me, that is my doctrine. "I am with you alway, even unto the end of the world<sup>2</sup>." True, while you are faithful, and teach whatsoever I command. "The Comforter, the Holy Ghost, shall abide with you for ever<sup>3</sup>." True also, while you love me and keep my commandments:—as the condition is just before the promise.

Now what are these texts to the Pope or the Church of Rome in special? They certainly that plead the promise should not neglect the duty; it were well if that was thought on.

The Pope's special friends insist on other promises more peculiarly designed, as they would have them, St. Peter. for St Peter's prerogative. They are these:

(1) The first is Matth. xvi. 18: "Thou art Peter, Text 1. and upon this rock will I build my Church; and the gates of hell shall not prevail against it."

But what is this to St Peter's Infallibility? The Answer. The Church shall not be overthrown, therefore St Peter is infallible: what is this to the Pope's Infallibility? The gates of hell shall not prevail against the Church, therefore the Pope is infallible. Can God find no other way to preserve the Church but St Peter's Infallibility and the Pope's Infallibility?

Is this promise made to secure the Church under St Peter and his successors absolutely from all error? How came St Peter himself to fall then, by denying his master, and to err about the temporal kingdom<sup>4</sup>

<sup>1</sup> Luke x. 16.<sup>2</sup> Mat. xxviii. 20.<sup>3</sup> John xiv. 16.<sup>4</sup> Acts i. 6.



of Christ? and Popes to be blasphemers, heretical<sup>1</sup>, atheistical? How came so many particular Churches that were under the Apostolic chair (if all were so at first) to miscarry, as those first Churches in Asia did?

But whatever is here promised to St Peter is nothing to the Pope, unless the Pope be indeed St Peter's successor, and sit in his chair,—the great point reserved for the last refuge, and shall there at large be examined.

Text 2.

The next promise is, John xxi. 16, "Peter, feed my sheep;" therefore the Pope is infallible. But must not others feed Christ's sheep, and are they infallible too? It is acutely said<sup>2</sup>, that Peter was to feed the sheep as ordinary pastor, the rest of the Apostles as extraordinary ambassadors. But doth this text say so, or any other text? How came it to pass that the ordinary pastor should be greater than the extraordinary ambassadors? How is it proved that this power of feeding is infallible only as in St Peter? or as such is transmitted to St Peter's successor in a more peculiar manner than to the successors of other Apostles? and that the Pope is this successor? This must be considered hereafter; their proof is not yet ready.

Text 3.

Another is Luke xxii. 31: "Simon, Simon, behold Satan hath desired to winnow thee...but I have prayed that thy faith fail not;" viz. that thou perish not in apostacy, not that thou be absolutely secured from error, nor thy pretended successors. And had not others the prayer<sup>3</sup> of Christ also, even all that should

<sup>1</sup> [See above, p. 92, notes 2, 4.]

<sup>2</sup> [See Stillingfleet's Vindication, II. 266, 267.]      <sup>3</sup> John xvii. 20.

believe on him? In a word, what is this to the Pope that Peter should not utterly miscarry in the High-priest's hall, unless it signify that the Pope may err grievously, as St Peter did, though he hath no more the security of not failing in the faith than every ordinary Christian hath.

But this trifling with holy Scripture provokes rebuke, and deserves no answer.

If any desire further satisfaction, either upon these or other like Scriptures urged for the Pope's or the Church's Infallibility, let them peruse Dr Stillingfleet<sup>1</sup> in defence of my Lord of Canterbury, and Mr Pool's Treatise<sup>2</sup> written on purpose upon this subject.

<sup>1</sup> [See particularly Part i. c. viii. Part ii. c. vii.]

<sup>2</sup> [e. g. Matthew Pool's Treatise, entitled 'The Nullity of the Romish Faith; or a Blow at the Root of the Romish Church,' &c. &c.]

## CHAPTER XVI.

### SECOND ARGUMENT FOR INFALLIBILITY, viz. TRADITION—CONCESSIONS—FOUR PRO- POSITIONS—THREE ARGUMENTS— OBJECTIONS ANSWERED.

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THAT the difference may not seem wider than indeed it is, we shall make way for our discussion of this argument by a few but considerable concessions.

(1) We yield that tradition truly catholic is apostolical. Truly catholic, that is, in all the three known conditions<sup>1</sup>, *ab omnibus, semper, et ubique*: for we cannot imagine that any thing should be believed or practised by all learned Christians at all times and in all places, as a point of Christian Religion, that was not received as such either from Christ himself or his Apostles.

(2) We grant that tradition hath been, and ever will be, both useful and necessary for the delivering down to the faith of the Church, in all succeeding ages, both the Canon of the Scripture, and the fundamentals of the Christian Religion. The necessity hereof ariseth from the distance of time and place, and must be supposed, upon the succession of generations in the Church, after the removal of the first

<sup>1</sup> [The rule of Vincent of Lerins, in his 'Commonitorium,' cap. iii.]



preachers and writers, and consequently the first deliverers thereof.

(3) We need not stick to agree that tradition is infallible (if we abuse not the term too rigidly), in conveying and preserving the substance of Religion; which I was much inclined to believe before, and am now much encouraged to express, after I had read the learned and ingenious book<sup>1</sup> of the '*Several Ways of resolving Faith.*' He concludes<sup>2</sup>, "that the necessities to salvation should ever fail to be practically transmitted from generation to generation, is alike impossible, as that multitudes of people should not in every age be truly desirous of their own and their posterity's everlasting happiness; seeing it is a thing both so easy to be done, and so necessary to salvation." By the substance of Christian Religion, I mean the *Credenda* and the *Agenda*, or as he doth the Creed, the Lord's Prayer, the Ten Commandments, and the Two Sacraments.

(4) We may, for aught I see to the contrary, gratify the author of Rushworth's<sup>3</sup> Dialogues, and the abettors of that late new-found tradition of the present

<sup>1</sup> [This treatise was published in 1677 anonymously. The complete title is 'The several Ways of resolving Faith in the Roman and Reformed Churches, with the Author's impartial thoughts upon each of them, and his own opinion at length shewn, wherein the Rule of Faith consists; which clears upon rational grounds the Church of England from criminal schism, and lays the cause of the separation upon the Roman.'] <sup>2</sup> p. 129.

<sup>3</sup> [So called by Archbp. Tillotson and others. The title of the tract is 'The Dialogues of William Richworth; or the judgment of common sense in the choice of Religion,' 8vo. Paris, 1640. The real name of the author was Thomas White, a notorious polemical writer.]



Church of Rome. For every Church of Christ, as such, hath possession of the substance of Christian Religion, and without it cannot be a Church; and I am sure by this concession the great argument for tradition is allowed, and we are so far agreed in a main point.

I am troubled we must now differ; but our propositions shall be such as none that have weighed antiquity can well doubt of them.

Proposition I.

We affirm, that whatsoever matter of faith or practice is not derived from the first hands by tradition catholic, as explained in the first concession, is not necessary to salvation: for it is agreed, if it were, it would have been preserved by tradition.

Proposition II.

But it is against all sense to believe that tradition is sufficient to secure us from all additions to the first faith, or additions and alterations in ceremonies and worship, or any thing that is not necessary to salvation. And herein, indeed, lies the controversy: for if midwives, nurses, parents, and tutors have (as it is said) tradition in their hands, and hold themselves obliged not to poison little babes as soon as they can receive instructions accordingly, and tradition could not possibly admit or deliver any thing but what is necessary to salvation,—it were not possible for any error to obtain in the Church, or with any one party, or even member of it, but truth would be equally catholic with tradition. And then charity will not suffer us to believe that the Jews, that kept the Law, should be guilty of any vain traditions, contrary to our Saviour's reproofs; or that there should be any such parties as Huguenots and Protestants in the

world ; or such various sects in the Church of Rome itself ; or so many successive additions to the faith and worship of that Church, as none may have the confidence to deny have happened.

“ Vincentius speaks very truly” (saith Rigaltius<sup>1</sup>) “ and prudently, if nothing were delivered by our ancestors but what they had from the Apostles ; but under the pretence of our ancestors, silly or counterfeit things may by fools or knaves be delivered us for apostolical traditions :”—and we add, by zealously superstitious men, or by men tempted (as is evident they were about the time of Easter and rebaptization in the beginning) to pretend tradition to defend their opinions when put to it in controversy.

It further follows, that the Infallibility of the Pope, or Court of Rome, or Church, in matters of faith, is no necessary point of faith ; because it is not delivered down to us as such by lawful, i. e. catholic, tradition :—this is the point. Proposition III.

Now here we justly except against the testimony of the present oral tradition of the Roman Church, or tradition reversed, because it cannot secure us against additions to the faith. It is no evidence that tradition was always the same in that point ; it cannot bear against all authentic history to the contrary.

That Popes, and Councils, and Fathers, and the Church too, have erred in their belief and practice, is past all doubt, by that one instance of the Communion of Infants for some hundred of years together ; which is otherwise determined by the Council of Trent<sup>2</sup>.

<sup>1</sup> Observ. in Cyprian. p. 147 ; [Cyprian. Opp. Paris. 1666.]

<sup>2</sup> [Sess. XXI. cap. iv. ; see Bingham, Book xv. chap. iv. sect. vii.]

Yea, that there was no such tradition of the Pope's or the Church of Rome's Infallibility in ancient times, is as manifest by the oppositions betwixt the Eastern and Western Churches, which could not consist with such tradition or belief of it.

And for the Church of England, had she owned such tradition, her ancient Bishops would not have contended with and rejected the Pope's messenger, St Austin, and his propositions together.

Neither can any considering man imagine that the tradition of the Pope's Infallibility is catholic, or generally received and believed in the Church of Rome at this day<sup>1</sup>. It is well known many of their eminent men renounce it, and indeed the Pope himself doth not believe it, or he does not believe that all his doctors believe it: for if he does believe both, why does he not make use of his talent, and put an end to all the scandalous<sup>2</sup> broils and ruptures occasioned by the doctrinal differences and disputes among the several factions of his Church, and have peace within his own borders?—But this admits no answer.

It is said by the Romanist that universal traditions are recorded in the Fathers of every succeeding age; and it is reasonably spoken. It behoves him as to

<sup>1</sup> [Bossuet's '*Defensio Declarationis Cleri Gallicani*' is a sufficient proof of this assertion. Vid. Lib. vii. capp. 21—28. For numerous facts establishing the same position, see Mr Palmer's '*Treatise on the Church*,' Part vii. chap. v. sect. i.]

<sup>2</sup> [When Fullwood wrote, the Jansenistic controversy was raging throughout the whole Roman communion. A minute account of it is given by Mr Palmer, as above, Part i. chap. xi. Appendix i. The Thomists were in like manner denouncing the Jesuits as heretical. See Pascal, *Les Provinciales*, pp. 47, 53. ed. Paris. 1844.]

the present point to shew us in some good authors, in every age since the Apostles, this tradition for Infallibility; then indeed he hath done something which ought to be done. But till that be done we must adhere that there is no such ground of the Pope's authority over us as his Infallibility, proved by Scripture or tradition.

This proof I think was never yet so much as undertaken, and may be expected—(*Hoc opus est.*) It is observed by Dr Stillingfleet<sup>1</sup>, that there is but one eminent place in antiquity produced on their side in the behalf of traditions, and that is out of St Basil, '*de Spiritu Sancto ad Amphilochem.*' But the book, with just reason, is suspected<sup>2</sup>. Three of the traditions mentioned in the place<sup>3</sup> are, the consecration of the person to be baptized, the standing at the prayers until Pentecost, and above all, the trine immersion in baptism. The two first of these are not acknowledged by the present Church of Rome; and the last, by the very Council of Trent<sup>4</sup>, is pronounced not to be of apostolical tradition.

Here is not one word touching any tradition for the Infallibility of the Church, but indeed much reason against it: for either the present Church at that

<sup>1</sup> [Vindication of Archbp. Laud, Vol. i. p. 386.]

<sup>2</sup> [Respecting its genuineness, see Stillingfleet, as above; and Cave, Hist. Literar. sub Basil.]

<sup>3</sup> [De Spiritu Sancto, c. xxvii. Opp. Tom. ii. p. 351, c; ed. Paris. 1637.]

<sup>4</sup> [Catechism. ad Parochos, de Baptismo, pp. 158, 159. ed. Lovan. 1567: 'Utrum vero unica, an trina ablutio fiat, nihil referre existimandum est.' On the history of the practice, see Bingham, Book xi. chap. xi. s. 6, 7, 8.]



time was actually deceived, and took that to be apostolical which was not so, or the present Church in the Council of Trent took that not to be apostolical which indeed was so, and was actually deceived in her judgment and determination to the contrary. For those words of that author, “unwritten traditions have equal force to stir up piety with the written word,” put the dilemma beyond exception, as those known words of the true<sup>1</sup> Basil, that “it is a manifest falling from the faith, and an argument of arrogancy, either to reject any point of those things which are written, or to bring in any of those things which are not written,”—make it justly suspicious that the book extolling unwritten traditions was none of his.

Bellarmino's<sup>2</sup> three arguments, (1) the Fathers say the sentence of general Councils admits of no appeal, (2) such as submit not to them are heretics, (3) such sentence is Divine,—prove their authority, but not their Infallibility; and ‘the force of such sentence with the Fathers was ever taken from Scripture, or reason, or miracles, or approbation of the whole Church,’ as Occam and S. Clara<sup>3</sup> after St Augustine affirm. Therefore the Fathers generally allow us liberty of examination, and derogate faith from all men beside the Apostles.

<sup>1</sup> [De Vera ac Pia Fide; Opp. Tom. II. p. 386. c.: *φανερὰ ἔκπτωσις πίστεως καὶ ὑπερηφανίας κατηγορία, ἣ ἀθετεῖν τι τῶν γεγραμμένων, ἢ ἐπεισάγειν τῶν μὴ γεγραμμένων, κ. τ. λ.*]

<sup>2</sup> [De Concil. Lib. II. c. 3; Disputat. Tom. II. p. 256; ed. Colon. 1628. His arguments are considered at length in Pool's ‘Nullity of the Romish Faith,’ pp. 70, et seqq.]

<sup>3</sup> System. Fidei, c. XXVI. § 2. [where the author cites Occam and St Augustine at length.]

## CHAPTER XVII.

### THIRD ARGUMENT FOR INFALLIBILITY, FROM REASON—THREE REASONS ANSWERED— POINT ARGUED—RETORTED.

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**I**T is confessed, that though Scripture and tradition prove it not, yet if there be indeed any sound reason (which is a kind of Divine law) for the Pope's Infallibility, that will go a great way. But it doubtless ought to be very clear and strong reason, that is able to carry it in so great a point, without either Scripture or tradition. Let us hearken.

Perhaps we have tradition offering its service to Reason I. reason in another form, and the argument may stand thus: tradition is infallible, but the Pope in the Church of Rome is the keeper of tradition; therefore thereby the Pope is infallible.

This argument indeed hath countenance from antiquity: for Irenæus<sup>1</sup> adviseth his adversaries who pretended tradition to go to Rome, and there they might know what was true and apostolical tradition, for there it was preserved. Answers.

But how could that Father assure us that Rome would always be a faithful preserver of true apostolical tradition?

What security could he give to after ages against innovations and additions to tradition itself in the Church of Rome?

<sup>1</sup> [See above, p. 99.]

Remember what hath been said, that tradition can be thought infallible only in the substantial of religion ; and consequently cannot protect either itself or the Church from additional errors in other things.

Besides, in the substantial of Religion the protestant Churches have the benefit of tradition as well as the Church of Rome ; and if that carry Infallibility with it, our Church is infallible as well as the Church of Rome ; and consequently thereby hath a right to govern itself.

Reason II.

But the great reason always gloried in is from the wisdom and prudence of our blessed Saviour, who had he not intended to afford the assistance of Infallibility to the succeeding pastors of his Church, to lead them when assembled in a general Council, he had built his Church upon the sand ; as T. C. argues with his Grace of Canterbury<sup>1</sup>.

Answer.

Admit the necessity of this assistance to the pastors of the Church, what is this to prove the government of the Church in the Pope, because of his infallibility ?

But if our Saviour should not have assured us that he will thus assist his Church in all ages, (as you cannot shew), how do you know he hath intended it ? And how unchristian is your reason, to impeach your Saviour with the inference of folly, and (as at other times) with ignorance and imposture, if he hath not ?

Take heed ; hath not our Saviour built his Church upon the foundation<sup>2</sup> of the Prophets and Apostles ?

<sup>1</sup> [Labyrinth. Cantuar. p. 104, § 7.]

<sup>2</sup> [Eph. ii. 20 ; Rev. xxi. 14.]

And is this sand in the Roman sense? Is not Christ himself the chief<sup>1</sup> corner-stone? Is He sand too? Doth not he that keepeth His sayings build upon a rock, as firm as the decrees of a general Council?

Where hath our Saviour given us the least intimation that inherent Infallibility is the only rock to secure the Church from error? Is there not sufficient ground to rely on the doctrine of Christ, had there never been a general Council? What, was the Church built upon the sand only before the Council of Nice? Why did it not then fall in the storms of persecution?

Did not the Apostles commit the doctrine of Christ to writing? Is not tradition the great mean of delivering the Scriptures, and all things needful to salvation, by your own arguments? May not the latter be done by nurses and tutors, &c., without a general Council? And if there be lesser differences in the Church, is the foundation subverted presently? And may not those lesser differences among Christians be healed with argument, or at least quieted; and the peace of the Church preserved by the decrees of Councils, without infallibility? How unreasonable is it to deny it!

“We grant,” saith Doctor Stillingfleet<sup>2</sup>, “Infallibility in the foundation of faith; we declare the owning of that Infallibility is that which makes men Christians, (the body of whom we call a Church); we further grant that Christ hath left in that Church sufficient means for the preservation of it in truth and unity:” but ‘we cannot discern, either from Scripture,

<sup>1</sup> [Eph. ii. 20.]

<sup>2</sup> p. 259; [Vindication, Vol. i. p. 412; new ed.]



reason, or antiquity, that such Infallibility is necessary for the Church's preservation, by the Councils of succeeding pastors; much less a living and standing infallible judge, as the Head of the Church.'

Reason  
III.

But they say, 'the infinite dissensions and divisions amongst those that deny it make this necessary.'

Answer.

How is it in the Roman Church<sup>1</sup>? Are there no divisions there? Or is the sole remedy ineffectual? Yea, are there no differences there about Infallibility<sup>2</sup> itself, the manner and subject of it? Are not many of yourselves ashamed and weary of it? Do not some of you deny it, and set up tradition instead of it? Was not the Apostle<sup>3</sup> to blame to say, 'there must be heresies or divisions among you,' and not to tell them there must be an infallible judge among you, and no heresies?—But now men are wiser, and of another mind.

To conclude,—whether we regard the truth or unity of the Church, both reason and sense assures us that this Infallibility signifies nothing: for, as to truth, it is impossible men should give up their faith and conscience, and inward apprehension of things, to the sentence of any one man, or all the men in the world, against their own reason; and for unity, there is no colour or shadow of pretence against it, but that the authority of ecclesiastical government can preserve it, as well with as without Infallibility.

<sup>1</sup> [See Leslie's 'Case stated:' Works, Vol. III. pp. 18 et seqq.]

<sup>2</sup> [This was the great subject of debate between the Ultramontanists and the Gallicans during the sixteenth and seventeenth centuries. See Mr Palmer's 'Treatise on the Church,' Part VII. chap. v. sect. 1.]

<sup>3</sup> [1 Cor. xi. 19.]

But if there be any sense in the argument, methinks it is better thus: the Head and Governor of the Christian Church must of necessity be infallible; but the Pope is not infallible, either by Scripture, tradition, or reason; therefore the Pope is not the Head and Governor of the Christian Church.

## CHAPTER XVIII.

OF THE POPE'S UNIVERSAL PASTORSHIP—ITS  
RIGHT, DIVINE OR HUMAN—THIS CIVIL,  
OR ECCLESIASTICAL—ALL EXAMINED  
—CONSTANTINE—KING JOHN—  
JUSTINIAN—PHOCAS, &c.

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WE have found some flaws in the pretended title of the Pope, as our Converter, Patriarch, Possessor, and as the subject of Infallibility. His last and greatest argument is his Universal Pastorship; and indeed, if it be proved that he is the Pastor of the whole Church of Christ on earth, he is ours also; and we cannot withdraw our obedience from him, without the guilt of that which is charged upon us, viz. schism, (if his commands be justifiable): but if the proof of this fail also, we are acquitted.

This right of the Pope's Universal Pastorship is Divine or human (if at all): both are pretended, and are to be examined.

The Bishop of Chalcedon<sup>1</sup> is very indifferent and reasonable as to the original: if the right be granted, it is not *de fide* to believe whether it come from God or no.

If the Pope be Universal Pastor *jure humano* only, his title is either from civil or from ecclesiastical power; and, lest we should err fundamentally, we shall consider the pretences from both.

<sup>1</sup> ['Survey of the Lord of Derry his Treatise of Schism.' chap. v. sect. 3.]

If it be said that the civil power hath conferred this honour upon the Pope, may it not be questioned whether the civil powers of the world extend so far, as either to dispose of the government of the Church, or to subject all the Churches under one Pastor?

However, *de facto*, when was this done? When did the Kings of England, in conjunction with the rulers of the whole world, make such a grant to the Pope?

I think the world hath been ashamed of the 'Donation of Constantine' long ago; yet, that no shadow may remain unscattered, we shall briefly take an account of it.

They say, 'Constantine the third day after he was baptized left all the West part of the empire to Pope Sylvester, and went himself to dwell at Constantinople; and gave the whole imperial and civil dominion of Rome, and all the Western kingdoms, to the Pope and his successors for ever.'

A large boon indeed. This looks as if it was intended that the Pope should be an Emperor, but who makes him Universal Pastor? And who ever since hath bequeathed the Eastern world to him, either as Pastor or Emperor? For, it should seem, that part Constantine then kept for himself.

But Mr Harding<sup>1</sup> throws off all these little cavils, and with sufficient evidence out of Matthæus Hieromonachus, a Greek author, shews the very words of the decree which carry it for the Pope, as well in ecclesiastical as civil advantages. They are these<sup>2</sup>:

<sup>1</sup> [Bp. Jewel's Defence of the Apology, p. 589; ed. 1570.]

<sup>2</sup> [Ibid.]



“We decree, and give in charge to all lords, and to the senate of our Empire, that the Bishop of Rome, and successor of Saint Peter, chief of the Apostles, have authority and power in all the world, greater than that of the Empire, that he have more honour than the Emperor, and that he be head of the four patriarchal seats, and that matters of faith be by him determined.”—This is the charter whereby some think the ‘Pope hath power (saith John of Paris<sup>1</sup>) as Lord of the whole world to set up and pull down Kings.’

It is confessed this grant is not pleaded lately with any confidence. Indeed Bishop Jewel<sup>2</sup> did check it early, when he shewed Harding the wisest and best among the Papists have openly disproved it: such as Platina, Cusanus, Patavinus, Laurentius Valla, Antoninus Florentinus, and a great many more<sup>3</sup>.

Cardinal Cusanus hath these words: “Carefully weighing this grant of Constantine, even in the very penning thereof I find manifest arguments of forgery and falsehood<sup>4</sup>.”

It is not found in the Register of Gratian, (that is, in the allowed original text), though it be indeed in the *Palea* of some books; yet that *Palea* is not read in the schools:—and of it Pope Pius II. himself

<sup>1</sup> [Tractatus de Regia Potest. et Papali, c. xxii; apud Goldast. de Monarch. Tom. II.; and in Bp. Jewel, p. 590.]      <sup>2</sup> [Ibid.]

<sup>3</sup> [Ibid. The Treatise of Laurentius Valla gave the death-blow to this forgery. The title is ‘De ementita Constantini Donatione Declamatio.’ It is printed in the ‘Fasciculus Rerum,’ etc., pp. 132 et seqq. ed. 1690.]

<sup>4</sup> De Catholica Concordantia, Lib. III. c. 2. [in the ‘Fasciculus Rerum,’ p. 158.]

said, *Dicta Palea* 'Constantinus' *falsa est*, and inveighs against the Canonists that dispute *An valuerit id, quod nunquam fuit*; and those that speak most favourably of it confess that it is as true that, at the same time, the voice of angels was heard in the air, saying, *Hodie venenum effusum est in Ecclesiam*<sup>1</sup>.

Much more to the discountenance of this vain story you have in Bishop Jewel's 'Defence,' which to my observation was never since answered: to him therefore I refer my reader.

But alas! if Constantine had made such a grant, Pope Pius<sup>2</sup> tells us it was a question among the very Canonists *an valuerit*; and the whole world besides must judge the grant void in itself, especially after Constantine's time.

Had Satan's grant been good to our Saviour, if He had fallen down and worshipped him? No more had Constantine's (pardon the comparison); for in other things he shewed great and worthy zeal for the flourishing grandeur of the Church of Christ, though by this he had (as was said) given nothing but poison to it; for the empire of the world, and the universal Pastorship of the Church, was not Constantine's to give to the Pope and his successors for ever.

But it is urged nearer home, that King John delivered up his crown to the Pope, and received it again as his gift. King John.

It is true<sup>3</sup>; but this act of present fear could not

<sup>1</sup> [See these and other similar particulars in Bp. Jewel's Defence, pp. 590, 591; also pp. 453, 454.]

<sup>2</sup> [i. e. Æneas Sylvius, Pius II., as above.]

<sup>3</sup> [Mat. Paris, A.D. 1212, 1213, pp. 232, et seqq. ed. 1639.]

be construed a grant of right to the Pope: if King John gave away any thing, it was neither the power of making laws for England, nor the exercise of any jurisdiction in England that he had not before; for he only acknowledged (unworthily) the Pope's power, but pretended not to give him such power to confer the crown for ever; much less to make him supreme disposer of our English Church.

But if our constitution be considered, how inconsiderable an argument is this! Our Kings cannot give away the power of the Crown during their own times without an Act of Parliament; the King and Parliament together cannot dispose of any thing inherent to the Crown of England without a power of resumption, or to the prejudice of succeeding Kings: besides no King of England ever did (not King John himself), either with or without his Parliament, by any solemn public act, transfer the government of this Church to the Bishop of Rome, or so much as recognize it to be in him, before Henry VIII.;—and what John did was protested against by the three states then in Parliament<sup>1</sup>.

And although Queen Mary since made a higher acknowledgment of his Holiness than ever we read was done here before; yet it is evident she gave him rather the compliment of the title of that uncertain word 'Supreme Head' than any real power, (as we observed<sup>2</sup> before); and yet her new act to that purpose was endured to remain in force but a very short time, about four or five years.

<sup>1</sup> Harpsfield, Hist. Eccl. Angl. Sæc. xiv. c. 5.

<sup>2</sup> [See above, p. 123.]

But although neither Constantine for the whole <sup>Justinian.</sup> world, nor King John for England, did or could devise the supremacy to the Pope, it is confessed the Emperor Justinian endeavoured somewhat that looked like it.

Justinian was a great friend of the Roman Bishop: he saith<sup>1</sup>, *Properamus honorem et auctoritatem crescere sedis vestræ*; ‘we labour to subject and unite all the Eastern priests to the See of your Holiness<sup>2</sup>.’

But this is a plain demonstration that the See of Rome did not extend to the East near six hundred years after Christ; otherwise that would have been no addition of honour or authority to it, neither would Justinian have endeavoured what was done before; as it doth not appear that he afterwards effected it.

Therefore the title that he then gave the Pope<sup>3</sup>, ‘the Chief and Head of all the Churches,’ must carry a qualified sense, and was only a title of honour befitting the Bishop of the chief and most eminent Church, as the Roman Church then was, (and indeed Justinian was a courtier, and styles the Bishop of Constantinople<sup>4</sup> universal Patriarch too); or at most can only signify that his intentions were to raise the Pope to the chief power over the whole Church; which (as was said before) he had not yet obtained.

<sup>1</sup> [In Codice, Lib. 1., de Summa Trinitate, p. 21, col. 2; ed. Antverp. 1575.]

<sup>2</sup> [“Ideoque omnes sacerdotes universi orientalis tractus et subjicere et unire sedi vestræ sanctitatis properavimus.” Ibid.]

<sup>3</sup> [... “ut non etiam vestræ innotescat sanctitati, quæ caput est omnium sanctarum ecclesiarum.” Ibid.]

<sup>4</sup> [Justin. Cod. Lib. 1. Tit. ii. c. 24. See Bingham, Antiq. Book II. c. xvii. § 21.]



This is all that can be inferred, if these Epistles betwixt the Emperor and the Pope be not forged;—as learned Papists<sup>1</sup> suspect, because in the eldest and allowed books they are not to be found.

However, if Justinian did design any thing in favour of the Pope, it was only the subjecting of the clergy to him as an ecclesiastical ruler; and yet that no further than might well enough consist with the supremacy of the empire, in causes ecclesiastical as well as civil,—which *memento* spoils all the argument.

For we find the same Justinian<sup>2</sup> under this imperial style, ‘We command the most holy Archbishops and Patriarchs of Rome, Constantinople, Alexandria, Antioch, and Hierusalem.’

We find him making laws<sup>3</sup> upon Monks, Priests, Bishops, and all kind of Churchmen, to enforce them to their duty.

We find him putting forth his power and authority for the sanction of the Canons of Councils, and making them to have the force of laws<sup>4</sup>.

We find him punishing the Clergy and the Popes themselves; yea it is well known and confessed by

<sup>1</sup> [This is stated on the authority of Bp. Jewel, (Defence of the Apology, p. 754), who refers to Gregory Haloander (or Hoffmann, an eminent lawyer): see also Comber’s ‘Roman Forgeries’, Part II. p. 251, Lond. 1689.]

<sup>2</sup> [Novel. Constit. cxxiii.; p. 111, col. 2; ed. Antverp. 1575: “Jubemus igitur, ut beatiss. quidam archiepiscopi et patriarchæ, hoc est, senioris Romæ, Constantinopolis, Alexandriæ, Theopolis et Hierosolymarum,” etc.]

<sup>3</sup> [See a summary of his ecclesiastical laws in Fleury, liv. xxxii. § 50.]

<sup>4</sup> [Codex, Lib. I., de Summa Trinitate, *passim*; and more particularly Novel. Constit. cxxxi.]

Romanists that he deprived two Popes, Sylverius<sup>1</sup> and Vigilius<sup>2</sup>. Indeed Mr Harding<sup>3</sup> saith, that was done by Theodora the Empress, but it is otherwise recorded in their own Pontifical; the Emperor demanded of Belisarius, what he had done with the Romans, and how he had deposed Sylverius, and placed Vigilius in his stead? Upon his answer, both the Emperor and Empress gave him thanks<sup>4</sup>. Now it is a rule in law, *Ratihabitio retrotrahitur, et mandato comparatur*.

Zabarella declares<sup>5</sup> it to be law, that ‘the Pope in any notorious crime may be accused before the Emperor; and the Emperor may require of the Pope an account of his faith.’ And ‘the Emperor ought to proceed,’ saith John of Paris, ‘against the Pope upon the request of the Cardinals<sup>6</sup>.’

And it was the judgment of the same Justinian himself, that there is no kind of thing but it may be thoroughly examined by the Emperor; for he hath a principality from God over all men, the Clergy as well as Laity<sup>7</sup>.

But his erecting of *Justiniana Prima*, and giving

<sup>1</sup> [Platina, in Vit. Sylver. p. 144; ed. 1664.]

<sup>2</sup> [This pope was summoned by the emperor to Constantinople, and though well received in the first instance, was afterwards treated with the greatest ignominy. Platina in Vit. Vigil. i. pp. 146, 147. Nicephorus gives a similar account, Eccl. Hist. Lib. xvii. c. 26; Tom. ii. p. 774.]

<sup>3</sup> [In Jewel’s Defence, p. 755.]

<sup>4</sup> [See the Life of Vigilius in Labbe, Concil. Tom. v. 306, D.]

<sup>5</sup> [De Schismate et Concil. quoted by Bp. Jewel, ubi supra, p. 756.]

<sup>6</sup> [De Potestate Regia et Papali, cap. xiv.; apud Goldast. de Monarchia, Tom. ii.]

<sup>7</sup> [See the imperial edict read before the Council of Constantinople, A. D. 553, in Labbe, Concil. Tom. v. 419, et seqq.]

the Bishop<sup>1</sup> *locum Apostolicæ sedis*, to which all the provinces should make their last appeal; whereby (as Nicephorus<sup>2</sup> affirms) ‘the Emperor made it a free city, a head to itself, with full power independent from all others’—and as it is in the imperial constitutions<sup>3</sup>, the Primate thereof should have all power of ecclesiastical jurisdiction, the supreme priesthood, supreme honour and dignity—this is such an instance, both of Justinian’s judgment and power, contrary to the Pope’s pretensions of supremacy (as granted or acknowledged by the Emperor Justinian), that all other arguments of it are *ex abundanti*; and there is no great need of subjoining that other great and like instance of his restoring Carthage to its primacy after the Vandals were driven out<sup>4</sup>, and annexing two new provinces, that were not so before, to its jurisdiction, without the proviso of submitting itself to Rome; though before Carthage had ever refused to do it.

Phocas the Emperor and Pope Boniface no doubt understood one another<sup>5</sup>, and were well enough agreed upon the point: but we shall never yield that these

<sup>1</sup> [Authent. Collat. ix. Novel. cxxxix. Tit. xiv. c. 3; cf. Authent. Collat. ii. Novel. xi.]

<sup>2</sup> [The reference is probably to Nicephorus Callist. Eccl. Hist. Lib. xvi. c. 37; Tom. ii. p. 716, A. A minute account of Justiniana Prima is given by Dr Hammond, ‘Answer to Schism Disarmed,’ chap. iv. sect. vii.]

<sup>3</sup> [As above, note 1.]

<sup>4</sup> [Novel. cxxxix. c. 4; and see Fleury, Hist. Eccl. liv. xxxii. § 48, 49.]

<sup>5</sup> [In allusion to the title ‘universal bishop’ which Phocas the usurper gave Boniface III. The circumstances are narrated by Paulus Diaconus, de Gestis Longobard. Lib. iv. c. 11.]

two did legally represent the Church and the world, or that the grant of the one, and the greedy acceptance on the other part, could bind all Christians and all mankind in subjection to his Holiness's chair for ever.

Valentinian said<sup>1</sup>, 'All antiquity hath given the principality of priesthood to the Bishop of Rome:' but no antiquity ever gave him a principality of power;—no doubt he, as well as the other Emperors, kept the political supremacy in his own hands.

Charles the Great<sup>2</sup> might compliment Adrian, and call him universal Pope, and say he gave St Wilihade a bishopric at his command: but he kept the power of convocating Synods<sup>3</sup> every year, and sat in them as a judge<sup>4</sup> himself;—*auditor et arbiter adsedi*. He made ecclesiastical decrees in his own name;—to whom this very Pope Adrian acquitted all claim in the election of succeeding Popes for ever<sup>5</sup>. A great deal more in answer to both these you have in Archbishop Bramhall<sup>6</sup>, and King James's 'Defence'<sup>7</sup>.

<sup>1</sup> [i. e. Valentinian III. in a letter to Theodosius the younger; in Labbe, Concil. Tom. iv. 52, E.]

<sup>2</sup> [This is one of Richard Smith's objections, in his 'Survey' of Bramhall's Treatise of Schism, pp. 106, 107.]

<sup>3</sup> [Carol. Magni et Ludov. Pii Capit. Lib. v. c. 2.]

<sup>4</sup> [Vid. Carol. Mag. Epist. apud Goldast. Constit. Imperial. Part i. p. 3.]

<sup>5</sup> [Apud Goldast. ubi supra, p. 1.]

<sup>6</sup> pp. 235, 236; [Vol. II. pp. 231, 232, new ed.]

<sup>7</sup> p. 50; [Works, pp. 408, 409; ed. 1616.]



## CHAPTER XIX.

THE POPE'S PRETENDED ECCLESIASTICAL RIGHT  
NOT BY GENERAL COUNCILS—FIRST EIGHT—  
TO WHICH SWORN—JUSTINIAN'S SANC-  
TION—CANONS APOSTOLICAL ALLOWED  
BY COUNCILS OF NICE AND EPHESUS.

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THOUGH it seem below his Holiness's present grandeur to ground his right upon the civil power, especially when that fails him; yet methinks the *jus ecclesiasticum* is not at all unbecoming his pretences, who is sworn to govern the Church according to the Canons, as they say the Pope is<sup>1</sup>.

If it be pleaded that the Canons of the Fathers do invest the Pope with plenary power over all Churches, and if it could be proved too, yet one thing more remains to be proved, to subject the Church of England to that his power, viz., that the Canon Law is binding and of force in England as such, or without our own consent or allowance. And it is impossible this should be proved while our Kings are supreme, and the constitution of the kingdom stands as it hath always stood.

However, we decline not the examination of the plea, viz. that the Pope's supremacy over the whole Church is granted by the Canons of Councils, viz. General. But when this is said, it is but reasonable to demand which, or in what Canons.

<sup>1</sup> [See above, p. 61.]

It is said, the Pope receives his office with an oath to observe the Canons of the first eight general Councils:—in which of these is the grant to be found? Sure so great a conveyance should be very legible and intelligible.

We find it very plain that in some of those Councils, and those the most ancient, this power is expressly denied him, and that upon such reason as is eternal; and might justly and effectually prevent any such grant or usurpation of such power for ever, if future grants were to be just and reasonable, or future Popes were to be governed by right or equity,—by the Canons of the Fathers, or fidelity to the Church, to God, or their own solemn oaths at their inaugurations.

But we are prepared for the examination of the Councils in this matter by a very strong presumption; that seeing Justinian made the Canons to have the force of laws, and he had ever shewed himself so careful to maintain the rights of the empire in all causes, as well as over all persons ecclesiastical, and even Popes themselves, it is not credible that he would suffer any thing in those Canons to pass into the body of the laws, that should be agreeable to the pretended donation of Constantine, or to the prejudice of the Emperor's said supremacy; and consequently not much in favour of the supremacy claimed by later Popes.

Justinian's sanction extended to the four great Councils, of Nice, Constantinople, Ephesus I., and Chalcedon,—in these words<sup>1</sup>, “*Sancimus igitur, ut* Justinian's Sanction of first four General Councils.

<sup>1</sup> [Novel. Constit. cxxxix. p. 120, col. 2; ed. Antwerp. 1575.]

*sancti ecclesiastici canones, qui a sanctis quatuor conciliis (hoc est Nicæno,...Constantinopolitano,...Ephesino primo,...et Chalcedonensi,...) expositi et confirmati sunt, vicem legum obtineant. Prædictorum etenim sanctorum conciliorum decreta perinde ut sacras Scripturas suscipimus, et canones ut leges custodimus."*

Apostles'  
Canons not  
mentioned.

Reason.

Perhaps it may be doubted why he did not confirm those Canons which were then well known by the title of the Canons of the Apostles; whether<sup>1</sup> because their authority was suspected, especially many of them; or because they were not made by a truly general Council; or because they were confirmed in and with the Council of Nice and Ephesus, &c.; or lastly, whether because the first fifty had before a greater sanction from the general reception of the whole Church, or the greater authority of the sacred names of the authors, the Apostles or apostolical men,—I venture not to declare my opinion.

But truly there seems something considerable for the latter, for that the Council of Nice do not pretend to confirm the Apostles' Canons, but their own, by the quotation of them; taking authority from them, as laws founded in the Church before, to build their own and all future Canons and decrees of Councils upon, in such matters as were found there determined.

A great instance of the probability of this conjecture we have, full to our present purpose, given us by Binius<sup>2</sup>: "The Nicene and Ephesine Synods fol-

<sup>1</sup> Vid. Bin. Concil. Tom. I. p. 17, A. [On the character and authority of these Canons, see Bp. Beveridge's 'Codex Canonum Eccles. Primitivæ Vindicatus'.]

<sup>2</sup> In Concil. Nicæn. can. vi.; Tom. I. p. 20.

lowed these Canons of the Apostles, appointing that every Bishop acknowledge *suum primum* their Chief and Metropolitan, and do nothing without their own Diocese; but rather, the Bishop of Alexandria, according to the Canons (understand, saith Binius, those thirty-five and thirty-six of the Apostles), must govern the Churches of Egypt; the Bishop of the East, the Eastern Churches. The Ephesine Synod also saith, 'it is besides the Canons of the Apostles that the Bishop of Antioch should ordain in the provinces of Cyprus,' &c."

Canons  
Apostolical  
allowed by  
Councils of  
Nice and  
Ephesus.

Hence it is plain, that according to the Apostles' Canons, interpreted and allowed as authentic (so far at least) by the Synods of Nice and Ephesus, the Metropolitan was Primate or chief over the Churches within his provinces, and that he as such (exclusive of all foreign superior power) was to govern and ordain within his own provinces;—not consonant to, but directly against, the pretended supremacy of the Bishop of Rome.

But let us consult the Canons to which Binius refers, and the matter is plainer.

### § I.

#### CANONS APOSTOLICAL.

THERE is nothing in the Canons of the Apostles to our purpose, but what we find in Canons 35 and 36; or in the reddition (as Binius gives it), Canons 33 and 34.

Τοὺς ἐπισκόπους, κ.τ.λ.<sup>1</sup> 'Let the Bishops of

<sup>1</sup> [Τοὺς ἐπισκόπους ἐκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγείσθαι αὐτὸν ὡς κεφαλὴν, καὶ μηδὲν τι πράττειν περιττὸν



every nation know,' (or they ought to know), 'who among them is accounted (or is) chief; and esteem him *ὡς κεφαλὴν, ut caput*; and do nothing difficult, *aut magni momenti, præter ejus conscientiam vel sententiam.*' But what if the matter were too hard for the Primate, is no direction given to go to the infallible chair at Rome? Here was indeed a proper place for it, but not a word of that.

In the thirty-sixth (*alias* thirty-fourth), it is added<sup>1</sup>, 'that a Bishop should not dare to ordain any beyond the bounds of his own jurisdiction;' but neither of these Canons concern the Pope, unless they signify that the Pope is not Head of all Churches, and hath not power in any place but within the Diocese of Rome; or that Binius was not faithful in leaving out the word *κεφαλὴ* (or Head), in his Note upon these Canons.

## § II.

### NICENE COUNCIL—FIRST GENERAL—BELLARMINE'S EVASION.

WE find nothing in the true Canons of the Nicene Synod that looks our way, except Canons 6 and 7. They are thus<sup>2</sup>: *Τὰ ἀρχαῖα, κ.τ.λ.* "Let

*ἀνευ τῆς ἐκείνου γνώμης, κ. τ. λ.* Patres Apostol. ed. Coteler. Tom. i. p. 442; ed. Anvterp. 1698. The *silence* of the early church respecting the Papal Supremacy is very forcibly stated by Barrow, Suppos. v.; Works, Vol. i. pp. 616, et seqq. ed. 1716.]

<sup>1</sup> [Al. can. xxviii. Ἐπίσκοπον μὴ τολμᾶν ἔξω τῶν ἑαυτοῦ ὁρῶν χειροτονίας ποιεῖσθαι εἰς τὰς μὴ ὑποκειμένας αὐτῷ πολεῖς, κ.τ.λ.]

<sup>2</sup> [Τὰ ἀρχαῖα ἔθνη κρατεῖτω, τὰ ἐν Αἰγύπτῳ καὶ Λιβύῃ καὶ Πενταπόλει, ὥστε τὸν Ἀλεξανδρείας ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν. ἐπειδὴ καὶ τῷ ἐν τῇ Ῥώμῃ ἐπισκόπῳ τοῦτο σύνηθές ἐστιν,

ancient customs be kept through Egypt, Libya, and Pentapolis; so as the Bishop of Alexandria may have power over all these, because also (ἔπειτα καὶ) the like custom is for the Bishop of the city of Rome (τούτο σύνηθές ἐστιν); as likewise at Antioch and other provinces let the privileges be kept in their own Churches.” But suppose differences arise, is no liberty or remedy provided by going to Rome? No more than, if differences arise in the Roman Church, they may have remedy from any other:—a remedy is indeed provided by the Canon<sup>1</sup>, ‘If two or three do contradict, κρατεῖτω ἡ τῶν πλειόνων ψῆφος (not go to Rome, but ‘let the major vote carry it.')

In the seventh Canon, custom and tradition both are the grounds upon which the Council confirmed the like privilege of the Church of Hierusalem<sup>2</sup>: “Because custom and ancient tradition obtain that the Bishop of Ælia should be honoured, let him have the consequence of honour,” with a salvo ‘for the proper dignity of the Metropolis;’—but not a word of Rome.

Note that in Canon vi. the power of the Alexandrian Bishop is grounded upon ancient custom—‘*antiqua consuetudo servetur*,’ and not upon the concession of the Roman Bishop, as Bellarmine would

ὁμοίως δὲ καὶ κατὰ τὴν Αντιόχειαν καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις, τὰ πρεσβεία σώζεσθαι ταῖς ἐκκλησίαις, κ. τ. λ. Concil. ed. Labb. Tom. II. 32.]

<sup>1</sup> [Ἐὰν μὲν τοι τῇ κοινῇ πάντων ψήφῳ εὐλόγῳ οὔσῃ, καὶ κατὰ κανόνα ἐκκλησιαστικόν, δύο ἢ τρεῖς δι' οἰκίαν φιλονεικίαν ἀντιλέγωσι, κρατεῖτω ἡ τῶν πλειόνων ψῆφος. Ibid.]

<sup>2</sup> [Ἐπειδὴ συνήθεια κεκράτηκε καὶ παράδοσις ἀρχαία, ὥστε τὸν ἐν Ἀιλίας ἐπίσκοπον τιμᾶσθαι, ἐχέτω τὴν ἀκολουθίαν τῆς τιμῆς, τῇ μητροπόλει σωζομένου τοῦ οἰκείου ἀξιώματος. Can. VII. Ibid.]

force it; and that the like manner or custom of Rome is but another example of the same thing, as Antioch was and the rest of the provinces:—but this ungrammatical and illogical evasion was put off before<sup>1</sup>.

### § III.

#### COUNCIL OF CONSTANTINOPLE—SECOND GENERAL— A. D. 381.

THE next Council, admired by Justinian<sup>2</sup> as one of the Gospels, is that famous Council of Constantinople adorned with one hundred and fifty Fathers. Hath this made any better provision for the Pope's supremacy? Certainly no: for the very first Canon<sup>3</sup> chargeth us not to despise the faith of the three hundred and eighteen Fathers in the Synod of Nice, which ought to be held firm and inviolate.

The second Canon<sup>4</sup> forbids the confusion of Dioceses, and therefore enjoins (*κατὰ τοὺς κανόνας*) the rules of the Apostles and Nicene Fathers to be kept: "the Bishop of Alexandria must govern them in Egypt only;" and so the rest, as are there mentioned more particularly than in the Nicene Canons.

In the third is reinforced the Canon of the former Council against ordinations by Bishops out of their own jurisdictions; and adds this reason, that casts no countenance upon any foreign jurisdiction<sup>5</sup>: "It is

<sup>1</sup> [See above, p. 37.]

<sup>2</sup> [See above, p. 218.]

<sup>3</sup> Concil. ed. Bin. Tom. I. p. 660; [ed. Labb. Tom. II. 946, E.]

<sup>4</sup> [Concil. ed. Labb. Tom. II. 947, A: Τὸν μὲν Ἀλεξανδρείας ἐπίσκοπον τὰ ἐν Ἀιγύπτῳ μόνον οἰκονομεῖν, κ. τ. λ.]

<sup>5</sup> [. . . εὐδηλον ὡς τὰ καθ' ἐκάστην ἐπαρχίαν ἢ τῆς ἐπαρχίας σύνδοδος διοικῆσει, κατὰ τὰ ἐν Νικαίᾳ ὀρισμένα. This is in Labbe a portion of Canon II. ubi supra, B.]

manifest that the proper provincial Synod ought to administer and govern all things within their peculiar provinces, according as was defined at Nicæa.”

This third Canon honours the Bishop of Constantinople next after the Bishop of Rome, as Binius renders τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν τῆς Ῥώμης ἐπίσκοπον. But Binius is very angry that such a Canon is found there, and urgeth many reasons<sup>1</sup> against it; and therefore we shall conclude that, as none of the rest, so neither doth this Canon, confer the universal government of the Church upon the Bishop of Rome.

#### § IV.

#### COUNCIL OF EPHESUS—THIRD GENERAL—A. D. 431.

THE third General Council, whose Canons Justinian<sup>2</sup> passed into Laws, is that of Ephesus; and this so far abhors from the grant, that it is a plain and zealous contradicter of the Pope's pretensions.

In Act the seventh, it is agreed<sup>3</sup> against the invasion of the Bishop of Antioch, that the Cyprian Prelates shall hold their rights untouched and unviolated, according to the Canons of the holy Fathers (before mentioned) and the ancient custom, ordaining their own Bishops. ‘And let the same be observed in other dioceses, and in all provinces, that no Bishop occupy another province (or subject it by force), which formerly and from the beginning was not under his power or his predecessors’: or if he have done so

<sup>1</sup> Concil. Tom. i. p. 672. [Labbe, Tom. II. 947, c.]

<sup>2</sup> [Above, p. 218.]

<sup>3</sup> [See the decree at length in Labbe, Tom. III. 802.]



let him restore it, that the Canons of the Fathers be not transgressed, nor the pride of worldly power creep into the Church,...nor Christian liberty be lost. Therefore it hath pleased the holy Synod, that every province enjoy its rights and customs unviolated, which it had from the beginning;—ἐξ ἀρχῆς ἀνωθεν, twice repeated, whereby we are to learn a very great rule, that the bounds of primacies were settled very early, before this Council or any other general Council before this, even at the beginning; and that those bounds ought to be observed to the end, according to the Canons of the Fathers and ancient custom; and consequently, that such as are invaders of others' rights are bound to make restitution. Now it is evident we were a free province in England in the beginning, and when St Augustine came from Rome to invade our liberties, it is evident this Council gave the Pope no power or privilege to invade us;—yea, that what power the Pope got over us in after times, was a manifest violation of the rights we had from the beginning, as also of the Canons of the ancient Fathers, in the three mentioned sacred and general Councils of Nice, Constantinople, and Ephesus,—all grounded upon the ancients Canons called the Apostles'.

Lastly, such usurpers were always under the obligation of the Canon to restore and quit their incroachments; and consequently the Britannic Churches were always free to vindicate and reassume their rights and liberties, as they worthily did in Henry VIII.

## § V.

## COUNCIL OF CHALCEDON—FOURTH GENERAL—

A.D. 451—S. W.'s GLOSS.

THERE is little hope that this Council should afford the Pope any advantage, seeing it begins with ‘the confirmation of all the Canons made by the Fathers in every Synod before that time<sup>1</sup> ;’ and consequently of those that we have found in prejudice to his pretensions among the rest. Canon 1.

The Ninth Canon enjoins, ‘upon differences betwixt clerks, that the cause be heard before the proper Bishop ; betwixt a Bishop and a clerk, before the provincial Synod ; betwixt a Bishop or clerk and the Metropolitan, before τὸν ἑξάρχον τῆς διοικήσεως, or the See of the royal city of Constantinople<sup>2</sup>.’ To the same effect we read in Canon 17, ‘If any one be injured by his Bishop or Metropolitan, παρὰ τῷ ἐπάρχῳ τῆς διοικήσεως, ἢ τῷ Κωνσταντινουπόλεως θρόνῳ δικαζέσθω<sup>3</sup>,’ Canon XVII.  
κ. τ. λ.

But where is any provision made for remedy at Rome ? Indeed that could not consist with the sense of this Synod, who would not endure the supremacy, or so much as the superiority of Rome above Constantinople.

This is evident in Canon 28 : ‘The Fathers gave privilege to the See of old Rome, διὰ τὸ βασιλεύειν τὴν πόλιν ἐκείνην, (saith the Canon), and for the same Canon XXVIII.

<sup>1</sup> [Τοὺς παρὰ τῶν ἁγίων πατέρων καθ’ ἐκάστην σύνοδον ἄχρι τοῦ νῦν ἐκτεθέντας κανόνας κρατεῖν ἐδικαιώσαμεν. Can. 1.; apud Labb. Concil., Tom. iv. 755.]

<sup>2</sup> [Ibid. 759. D.]

<sup>3</sup> [Ibid. 763. C.]

reason an hundred and fifty Bishops gave τὰ ἴσα πρεσβεῖα, equal privileges to the seat of new Rome; εὐλόγως κρίναντες, rightly judging that that city, that hath the empire and the senate, should enjoy equal privileges with old royal Rome, καὶ ἐν τοῖς ἐκκλησιαστικοῖς, ὡς ἐκείνην, μεγαλύνεσθαι πράγμασι, δευτέραν μετ' ἐκείνην ὑπερέχουσιν<sup>1</sup>.

S. W.'s  
Gloss.

Now to what purpose doth S. W. (to Dr Hammond) trifle on the Canon, and tell us that these privileges were only 'honorary pomps<sup>2</sup>;' when the Canon adds 'in ecclesiastical matters,' and names one, 'the ordination of Bishops and Metropolitans within themselves, as before was declared by the divine Canons<sup>3</sup>.' We conclude that this bar against the Pope's universal Pastorship will never be removed.

These are the first four general Councils, honoured by Justinian as the four Gospels, to which he gave the title and force of Laws<sup>4</sup>. By which all Popes are bound<sup>5</sup>, by solemn oath, to rule the Church; yet we find not one word in any of them for the Pope's pretended universal Pastorship: yea in every one of them we have found so much and so directly against it, that as they give him no power to govern the whole Church; so by swearing to observe them in such government as the Canons deny him, he swears to a contradiction as well as to the ruin of his own pretensions.

<sup>1</sup> [Can. i. apud Labb. Concil. Tom. iv. 770, B.]

<sup>2</sup> [See Hammond's 'Answer to Schism Disarmed,' chap. iv. sect. iv.; Works, Vol. II. pp. 89, 90.]

<sup>3</sup> [Labbe, ubi supra, 770, c.]

<sup>4</sup> [See above, p. 218.]

<sup>5</sup> [See above, p. 61.]

We conclude from the premises, that now, seeing Argument.  
all future Councils seem to build upon the Nicene Canons (as that upon the Apostles'), if the Canons of Nice do indeed limit the power of the Bishop of Rome, or suppose it to have limits, if his cause be tried by the Councils, it must needs be desperate.

Now if those Canons suppose bounds to belong to every Patriarchate, they suppose the like to Rome : but it is plain, that the bounds are given by those Canons to the Bishop of Alexandria, and the reason is, because this is also customary to the Bishop of Rome. Now it is not reasonable to say, Alexandria must have limits because Rome hath, if Rome have no limits.

Pope Nicolas himself so understood it, whatever S. W. did : "The Nicene Synod," saith he, "conferred no increase on Rome, but rather took from Rome an example particularly what to give to the Church of Alexandria<sup>1</sup>."

Whence Dr Hammond strongly concludes, that 'if at the making of the Nicene Canons Rome had bounds, it must needs follow by the Ephesine Canon, that those bounds must be at all times observed, in contradiction to the universal Pastorship of that See<sup>2</sup>.'

The matter is ended, if we compare the other Latin version of the Nicene Canon with the Canon as before noted :—

<sup>1</sup> [*Nicæna synodus Romanæ ecclesiæ nullum contulit incrementum, sed potius ex ejus forma quod Alexandrinæ ecclesiæ tribueret, particulariter sumpsit exemplum.*'] Nichol. i. Epist. viii.]

<sup>2</sup> [*Answer to Schism Disarmed,* chap. iv. sect. vi.; Works, Vol. II. p. 95.]



“Antiqui moris est ut urbis Romæ Episcopus habeat principatum, ut suburbicana loca, et omnem provinciam sua sollicitudine gubernet; quæ vero apud Egyptum sunt, Alexandrinæ Episcopus omnem habeat sollicitudinem: similiter autem et circa Antiochiam et in cæteris provinciis privilegia propria servantur metropolitanis Ecclesiis.”

Whence it is evident, that the Bishop of Rome then had a distinct Patriarchate as the rest had; and that whatever primacy might be allowed him beyond his province, it could not have any real power over the other provinces of Alexandria, &c. And it is against the plain sense of the rule, that the *antiquus mos* should signify the custom of the Bishop of Rome's permission of government to the other Patriarchs, as Bellarmine feigneth<sup>1</sup>. This edition we have in the ‘*Bibliotheca Juris Canonici*’ of Christopher Justel and Voel, Tom. i. p. 284.

## § VI.

### SECOND COUNCIL OF CONSTANTINOPLE—THE FIFTH GENERAL—165 BISHOPS—A.D. 553.

**B**ARONIUS and Binius<sup>2</sup> both affirm that this was a general Council, and so approved by all Popes, predecessors and successors of St Gregory, and St Gregory himself.

The cause was, Pope Agapetus had condemned Anthimus<sup>3</sup>; the matter was afterwards ventilated in

<sup>1</sup> [See above, p. 37.]

<sup>2</sup> Baron. ad an. 553, ccxxiv. Bin. Not. in Concil. Const. [Tom. iv. p. 374.]

<sup>3</sup> [For the particulars, see Fleury, Hist. Eccl. liv. xxxii. sect. 52, 54.]

the Council. Now where was the Pope's supremacy? We shall see immediately.

After Agapetus succeeded Vigilius: when the Council condemned the *Tria Capitula*<sup>1</sup>, Pope Vigilius would defend them; but how did he carry it, in faith or fact? Did the Council submit to his judgment or authority? No such thing, but quite contrary; the Council condemned the *Tria Capitula*, and ended. The Pope for not consenting, but opposing the Council, is banished by the Emperor Justinian. Then Vigilius submits and confirms the sentence of the Council, and so is released from banishment. This is enough, out of both Baronius<sup>2</sup> and Binius<sup>3</sup>.

The sum is, "we condemn (say they<sup>4</sup>, as is expressed in the very text) all that have defended the *Tria Capitula*:" but Vigilius (say the historians) defended the *Tria Capitula*; therefore was Vigilius the Pope condemned by this Council:—such authority they gave him.

#### § VII.

THIRD COUNCIL OF CONSTANTINOPLE, OF 289 BISHOPS  
—SIXTH GENERAL—A. D. 680—SECOND NICENE  
COUNCIL—SEVENTH GENERAL<sup>5</sup>—of 375  
BISHOPS—A. D. 787.

**B**ELLARMINE acknowledgeth these to be the sixth and seventh general Councils; and both

<sup>1</sup> [These were certain writings of Theodorus of Mopsuestia, Ibas of Edessa, and Theodoret, which supported the errors of Nestorius.]

<sup>2</sup> Ad an. 553, CCXXIII.

<sup>3</sup> [ubi supra.]

<sup>4</sup> [Vid. Concil. ed. Labb. Tom. v. 568, c.]

<sup>5</sup> [That this Council cannot properly be called œcumenical, is proved by Mr Palmer, 'Treatise on the Church,' Part iv. chap. x. sect. iv.]

these he acknowledgeth did condemn Pope Honorius for an heretic<sup>1</sup>.

For Bellarmine to urge that these Councils were deceived in their judgment touching his opinion, is not to the point; we are not disputing now, whether a Pope may be a heretic in a private or public capacity, in which the Councils now condemned him,—though he seems to be a bold man, to prefer his own bare conjecture a thousand years after, about a matter of fact, before the judgment of two general Councils, consisting of 664 Bishops, when the cause was fresh, witnesses living, and all circumstances visibly before their eyes.—But our question is, whether these Councils did either give to the Pope as such, or acknowledge in him, an uncontrollable authority over the whole Church? The answer is short; they took that power to themselves, and condemned the Pope for heresy as they also<sup>2</sup> did Sergius of Constantinople.

### § VIII.

#### COUNCIL OF CONSTANTINOPLE—EIGHTH GENERAL— 383 BISHOPS—A.D. 869.

**H**OW did this eighth general Council recognize the Pope's supremacy? Binius himself tells us<sup>3</sup>, 'this Council condemned a custom of the Sabbath-fast in Lent, and the practice of it in the Church of Rome:'

<sup>1</sup> [De Romano Pontif. Lib. IV. c. xi.]

<sup>2</sup> [See Fleury, Hist. Eccl. liv. XL. s. 22.]

<sup>3</sup> [Tom. v. p. 338, f; ed. Paris. 1636. Yet the Canon here mentioned is not one of the Council recognized in the Roman Church as the eighth General, but of the Council 'in Trullo,' held at Constantinople, A.D. 691. The original is as follows: 'Επειδὴ μεμαθήκαμεν ἐν τῇ Ῥωμαίων πόλει ἐν ταῖς ἀγίαις τῆς τεσσαρακοστῆς

and the word is, 'We will that the Canon be observed in the Church of Rome; *inconcusse vires habeat.*'

It is boldly determined against the mother Church; —Rome concerned, reproved, commanded! Where is the authority of the Bishop of Rome?

Rome would be even with this Council, and therefore (saith Surius<sup>1</sup>) 'she receives not this 55th Canon.'

But why must this Canon only be rejected? Oh! it is not to be endured: that is all the reason we can have. But was not this a general Council? Is it not one of the eight sworn to by every Pope? Is not this Canon of the same authority (as of the Council) with all the rest? Or is it tolerable to say, it is not authentic, because the Pope doth not receive it, and he doth not receive it because it is against himself? '*Qui matrem Ecclesiarum omnium Romanam Ecclesiam reprehendit, non recipitur,*' saith Surius<sup>2</sup>.

These are the first eight general Councils, allowed by the Roman Church at this day. What little exceptions they would defend their supremacy with, against all that hath appeared, are answered in the 'Post-script' at the latter end of the book, whither I refer my readers for fuller satisfaction.

In the mean time we cannot but conclude,—

(1) That the Fathers, during eight hundred and seventy years after Christ, knew no such thing as the

Conclu-  
sion from  
all.

νηστείας τοῖς ταύτης σάββασιν νηστεύειν παρὰ τὴν παραδοθεῖσαν ἐκκλησιαστικὴν ἀκολουθίαν, ἔδοξε τῇ ἁγίᾳ συνόδῳ ὥστε κρατεῖν καὶ ἐπὶ τῇ Ῥωμαίων ἐκκλησίᾳ ἀπαρασλεύτως τὸν κανόνα. κ. τ. λ. Can. LV.]

<sup>1</sup> [Quoted by Binius, Concil. Tom. v. p. 421, col. 2, E.]

<sup>2</sup> [Ibid.]



Pope's Supremacy by Divine right or any right at all, seeing they opposed it.

(2) That they did not believe the Infallibility of the Church of Rome.

(3) That they had no tradition of either that Supremacy or Infallibility.

(4) That it is vain to plead antiquity in the Fathers, or Councils, or Primitive Church, for either.

(5) That the judgment of those eight general Councils was at least the judgment and faith of the Church, not only during their own times, but till the contrary should be decreed by a following Council of as great authority; and how long that was after, I leave to themselves to answer.

(6) That the Canons of those first eight general Councils, being the sense both of the ancient and the professed faith of the present Church of Rome, the Pope's authority stands condemned by the Catholic Church at this day, by the ancient Church and the present Church of Rome herself, as she holds communion (at least in profession) with the ancient.

(7) That this was the faith of the Catholic Church, in opposition to the pretended Supremacy of the Pope, long after the first eight general Councils, is evident, by the plain sense of it, in the said point, declared by several Councils in the ages following, as appears both in the Greek and Latin Church.—A word of both.

## § IX.

THE LATIN CHURCH—COUNCILS OF CONSTANCE AND  
BASLE.

THE Council of Constance in Germany, long after, Constance.  
of almost a thousand Fathers, A.D. 1414—1418, say<sup>1</sup>, ‘they were inspired by the Holy Ghost, and a general Council, representing the whole Church, and having immediate power from Christ, whereunto obedience is due from all persons, both for faith and reformation, whether in the head or members.’ This was expressly confirmed by Pope Martin V. to be held inviolable in matters of faith<sup>2</sup>. Their great reason was, ‘the Pope is not Head of the Church by Divine ordinance;’ as the Council of Chalcedon said<sup>3</sup>, a thousand years before.

Now where was necessary union and subjection to the Pope? Where was his supremacy *jure Divino*? Where was tradition, infallibility, or the faith of the present Church, for the Pope’s authority?

The Council of Basle, A.D. 1431, decreed<sup>4</sup> as the Basle.  
Council of Constance; Pope Eugenius<sup>5</sup> would dissolve them; the Council commands the contrary, and sus-

<sup>1</sup> [Vid. Concil. ed. Labb. Tom. XII. 19, et alib. The fullest history of this Council is that of Von der Hardt, *Magnum Œcum. Constant. Concil.* ed. Franefort, 1700.]

<sup>2</sup> [The bull of Martin V. confirming the acts of the Council was issued between the forty-second and forty-third sessions.]

<sup>3</sup> [See above, p. 225.]

<sup>4</sup> [Apud Labb. Concil. Tom. XII. 477, 478, 619.]

<sup>5</sup> [See the particulars in Fleury, *Hist. Eccles.* A.D. 1431. In 1437 Eugenius attempted by a bull to translate the Council to Ferrara; this attempt was, however, ineffectual, and the sessions were continued at Basle till 1443.]

pend the Pope; concluding, that whoever shall question their power therein is an heretic. The Pope pronounceth them schismatics; in the end, the Pope did yield, and not dissolve the Council.

This was the judgment of the Latin Church above 1400 years after Christ, and indeed to this day, of the true Church of France<sup>1</sup>; and in Henry the Eighth's time, of England,—as Gardiner said<sup>2</sup>, ‘the Pope is not a Head by dominion, but order; his authority is none with us; we ought not to have to do with Rome,’—the common sense of all in England.

Bellarmino saith<sup>3</sup>, that ‘the Pope’s subjection to general Councils is inconsistent with the Supreme Pastorship.’ ‘It is repugnant to the Primacy of Saint Peter,’ saith Gregory de Valentia<sup>4</sup>; yet nothing is more evident than that general Councils did exercise authority over Popes, deposing them, and disposing of their Sees, as the Council of Constance did three<sup>5</sup> together; and always made Canons in opposition to their pretensions.

Yea, it is certain that a very great number<sup>6</sup>, if not the greater, of the Roman Church itself were ever of

<sup>1</sup> [i. e. of the Gallican school as represented by Bossuet.]

<sup>2</sup> [See his Treatise, ‘de Vera Obedientia,’ in Brown’s Append. to the ‘Fasciculus Rerum,’ p. 812.]

<sup>3</sup> De Conciliorum Auctor. Lib. II. c. 17.

<sup>4</sup> Analys. Fidei Cathol. Lib. VIII. c. 14.

<sup>5</sup> [viz. John XXIII., Gregory XII., Benedict XIII.]

<sup>6</sup> [e. g. It was determined in the Articles of 1682, by the general assembly of the Gallican Church, that the decrees of the synod of Constance, concerning the superiority of a general Council to the Pope, shall remain in full force. See Mr Palmer’s ‘Treatise on the Church,’ Vol. II. p. 207. 3rd ed. A summary of the ‘Gallican Liberties,’ is given by Archbp. Bramhall, Works, Vol. I. pp. 225, et seqq.]

this faith, that general Councils are superior, have authority over, give laws unto, and may justly censure, the Bishop of Rome.

Pope Adrian VI.<sup>1</sup>, and very many other learned Romanists, declared this to be their judgment, just before or near upon the time that Henry VIII. was declared supreme in England. So much for the Latin Church.

### § X.

#### THE GREEK CHURCH—AFRICAN CANONS—SYNOD OF CARTHAGE—OF ANTIOCH—THE FAITH OF THE GREEK CHURCH SINCE.

THAT the Greek Church understood the first general Councils directly contrary to the Pope's Supremacy, is written with a sunbeam in several other Councils: *e. g.*

##### I. *By the 'Canons of the African Church.'*

The 28th Canon<sup>2</sup> forbids 'all transmarine appeals,' threatens such as make them with excommunication, makes order 'that the last appeal be to the proper Primate, or a general Council.' To the same effect is the 125th Canon<sup>3</sup>; and the Notes of Voel<sup>4</sup> upon these Canons put it beyond question, that in the transmarine appeals they meant those to Rome; as it is

Canon  
XXVIII.

Canon  
CXXV.

<sup>1</sup> [The reference is most probably to his Quæst. de Confirmatione, quoted by Hammond, Works, Vol. II. p. 197.]

<sup>2</sup> [Vid. Cod. Canon. Eccl. African., can. XXVIII. apud Labb. Concil. Tom. II. 1063, B.]

<sup>3</sup> [Can. CXXV.; *ibid*, 1131, A.]

<sup>4</sup> [Biblioth. Juris Canon.] Tom. I. p. 425.



expressed, 'the Church of Rome and the priests of the Roman Church.'

### II. *Council of Antioch.*

This Council is more plain: it saith<sup>1</sup>, 'If any Bishop in any crime be judged by all the Bishops in the province, he shall be judged in no wise by any other; the sentence given by the provincial Bishops shall remain firm.' Thus the Pope is excluded, even in the case of Bishops out of his own province; contrary to the great pretence of Bellarmine.

### III. *The Synods of Carthage.*

These Synods<sup>2</sup> confirmed the twenty Canons of Nice, and the Canons of the African Councils: and then in particular they decreed, *ab universis Episcopis dictum est, si criminosus est, non admittatur.*

Canon  
VIII.

Again, if any one, whether Bishop or Presbyter, that is driven from the Church, be received into communion (by another), even he that receives him is held guilty of the like crime, *refugientes sui Episcopi regulare judicium.*

Canon IX.

Canon XII.

Again, 'if a Bishop be guilty, when there is no Synod, let him be judged by twelve Bishops, *secundum statuta veterum Conciliorum.*'—The statutes of the ancients knew no reserve for the Pope in that case.

Canon XX.

Canon  
XXIII.

Further, 'no clergyman might go beyond the seas'

<sup>1</sup> [Concil. Antioch. A. D. 341, can. xv.; apud Labb. Tom. II. 585. This council was assembled by the Eusebians, or Semi-Arians.]

<sup>2</sup> [The decrees and canons are in the Codex Can. Eccl. African., apud Labb. Concil., Tom. II. 1049, et seqq.]

(viz. to Rome), without the advice of his Metropolitan, and taking his '*formatam vel commendationem*.'

The 28th Canon is positive, 'that Priests and Deacons shall not appeal, *ad transmarina judicia*' (viz. to Rome), 'but to the Primates of their own provinces : ' and they add, '*Sicut et de episcopis sæpe constitutum est*;' and if any shall do so, none in Africa shall receive them. And in Canon 125 it is renewed ; adding, 'the African Councils,' to which appeals are allowed as well as to the Primates ; but still Rome is barred. Canon  
XXVIII.  
  
Canon  
CXXV.

*The Sense of the Greek Church since.*

Now when did that Church subject itself to Rome in any case ? Our adversaries acknowledge the early contests betwixt the Eastern and Western Churches, in the point of Supremacy<sup>1</sup>; where then is the consent of Fathers, or universality of time and place, they use to boast of ?

Bellarmino confesseth<sup>2</sup>, that from 381 to the time of the Council of Florence, viz. 1058 years, the Greek Church disclaimed subjection to the Pope and Church of Rome ; and he confesseth, they did so in several general Councils.

And he doth but pretend that this Church submitted itself to Rome in the Council of Florence, A.D. 1439 ; for the contrary is evident in that they would not yield that the Pope should choose them a Patriarch, as Surius himself observes<sup>3</sup>.

<sup>1</sup> [On the final interruption of communion in 1054, see Mr Palmer's 'Treatise on the Church,' Part I. chap. ix. s. 2.]

<sup>2</sup> [Disputat. Tom. I. p. 129, & ; in Præfat. de Romano Pontif.]

<sup>3</sup> [Concil.] Tom. IV. p. 489. [A defence of the Greek Church touching the council of Florence may be seen in Bp. Stillingfleet's Vind. Vol. I. pp. 37—70.]

So true it is, that Maldonate<sup>1</sup> and Prateolus<sup>2</sup> acknowledge and record, the Greek Church always disliked the supreme dignity of the Pope, and would never obey his decrees.

To conclude,—the law of the Greeks hath always been against the Pope's Supremacy; the fundamental law was a prohibition of appeals to Rome; therefore that Church acknowledged no absolute subjection to Rome. (2) They excommunicate all African priests appealing to Rome; therefore they held no necessity of union with Rome. (3) They excommunicate all such as should but think it lawful to appeal to Rome; therefore they had no faith of the necessity of either union or subjection to the Church of Rome.

Enough, to the Pope's prejudice, from the Councils of all sorts. We must, in the foot of the account, mind our adversaries that we have found no colour for the pretence of a grant, from any one general Council, of the Pope's authority; much less over the Church of England: which their plea from the Canons expressly requires at their hand.

For my Lord Bramhall<sup>3</sup>, with invincible reason, affirms, 'We were once a free Patriarchate, independent on any other, and according to the Council of Ephesus, every province should enjoy its ancient rights, pure and inviolate; and that no Bishop should occupy any province which did not belong to him from the beginning; and if no true general Council

<sup>1</sup> Maldonatus, Comment. in Matth. x. 2; [Tom. i. p. 298; ed. Mogunt. 1840.]

<sup>2</sup> Prateolus, de Vitis, Sectis etc. Hæreticorum, [pp. 198, 199; ed. Colon. 1569.]

<sup>3</sup> [Just Vindication, Part I. Disc. ii.: Works, Vol. I. p. 158.]

hath ever since subjected Britain under the Roman Court,—then (saith he) the case is clear, that Rome can pretend no right over Britain, without their own consent, nor any further, nor for any longer time, than they are pleased to oblige themselves.’

We must expect, therefore, some better evidence of such grant to the Pope, and such obligation upon England, by the Canons of some truly general Council; and we may still expect it, notwithstanding the Canons of Sardica:—which yet shall be considered, for it is their faint colour of antiquity.

#### § XI.

THE SARDICAN CANONS—NO GRANT FROM THE MATTER, MANNER, OR AUTHORITY—NO APPENDIX TO COUNCIL OF NICE—ZOSIMUS HIS FORGERY NEVER RATIFIED, NOR THOUGHT UNIVERSAL—AFTER CONTRADICTED BY COUNCILS.

THE Pope at length usurped the title, and pretended the power of Supreme, and the Canons in time obtained the name of the Pope’s decrees; but the question is, what general Council gave him either?

Doctor Stillingfleet observes<sup>1</sup>, that ‘nothing is more apparent, than that when Popes began to perk up, they pleaded nothing but some Canons of the Church for what they did,—then their best and only plea, when nothing of Divine right was heard of; as Julius to the Oriental Bishops; Zosimus to the African, and so others:’—but still what Canons?

<sup>1</sup> [Vindication, Vol. II. p. 207.]



The Romanist<sup>1</sup>, against Archbishop Laud, argues thus: 'It was ever held lawful to appeal to Rome from all parts; therefore the Pope must be supreme Judge. This (saith he) is evidenced by the Sardican Canons, accounted anciently an Appendix to the Council of Nice.' This he calls an unanswerable argument.

Answer.

But it is more than answered, if we consider either the matter, or the manner, or the authority, of these Canons.

1.  
For the  
matter of  
these Ca-  
nons.

I. The matter said to be granted appears in the words themselves. It is said<sup>2</sup>, 'If it seem good to you, let us honour the memory of Saint Peter, and by those Bishops that are judges, let it be written to Julius Bishop of Rome, and by the next Bishops of the province, if need be, let the judgment be revoked.'

But (1) here is no grant so much as of appeal, only of a review. (2) It is not pretended to be according to any former Canons. (3) The judgment is to be revoked by a Council of Bishops chosen for the purpose. (4) The request seems to terminate in the person of Julius, and not to extend to his successors; for else why should it be said to Julius Bishop of Rome, and not to the Bishop of Rome absolutely?

2.  
Manner.

II. The manner of the motion spoils all, 'if it please you.' Did the Universal Pastorship then lie at the feet, or depend upon the pleasure, of this Council? Did no Canons evidence the Pope's power, and

<sup>1</sup> [i. e. T. C. in the Labyrinthus Cantuar., p. 193.]

<sup>2</sup> [Concil. Sardic. can. III., apud Labb. Tom. 629, A. The canon is quoted at length, p. 63, note 1.]

right till then, eleven years after the death of Constantine? Besides how unworthily was it said, 'let us honour the memory of Saint Peter;'—did the Pope's succession of Saint Peter depend upon their pleasure too?

III. But lastly, the main exception is against the authority of this Council; or, at least, of this Canon, as Cusanus questions<sup>1</sup>.

3.  
Authority.

(1) It is certain these Canons are no Appendix to the Council of Nice, wherein their strength is pretended to consist; though Zosimus fraudulently sent them<sup>2</sup> under that name to the African Bishops—which can never be excused;—for they are now known to have been made twenty-two years after that Council.

No Appen-  
dix to the  
Nicene  
Canons.

Upon that pretence of Zosimus, indeed, a temporary order was made in the Council of Africk, that 'appeals might be made to the Pope, till the true Canons of Nice were produced<sup>3</sup>;' which afterwards being done, the argument was spoiled, and that Pope, if possible, was put to shame. Hereupon that excellent Epistle was written to Pope Cœlestine, of which you had account before<sup>4</sup>.

(2) This Council was never ratified by the reception of the Catholic Church; for the Canons of it were not known by the African Bishops when Zosimus

Not re-  
ceived,

<sup>1</sup> De Catholica Concordantia, Lib. II. c. 15.

<sup>2</sup> [See above, p. 108; and for a fuller exposure of the forgery, compare Bp Carleton's 'Jurisdiction,' pp. 69—76. ed. 1610, and Comber's 'Roman Forgeries,' Part II. pp. 35, et seqq.]

<sup>3</sup> [Epist. ad Bonif. apud Labb. Concil. Tom. II. 1140, 1141.]

<sup>4</sup> [pp. 109, 110.]

sent them, and St Augustine discredits them, saying<sup>1</sup>, they were made by a Synod of Arians.

or thought  
Universal.

(3) It is evident that this Council was never accounted truly universal, though Constans and Constantius intended<sup>2</sup> it should be so: for but seventy of the Eastern Bishops appeared to three hundred of the Western, and those Eastern Bishops soon withdrew from the other, and decreed things directly contrary to them: so that Balsamon and Zonaras, as well as the elder Greeks, say it can only bind the Western Churches; and indeed it was a long time before the Canons of it were received in the Western Church, which is the supposed reason why Zosimus sent them as the Nicene, and not as the Sardican, Canons<sup>3</sup>.

(4) After the Eastern Bishops were departed, there were not Patriarchs enough to make a general Council, according to Bellarmine's own rule<sup>4</sup>. Consequently, Venerable Bede leaves it out of the number; the Eastern Churches do not reckon it among their seven, nor the Western among their eight, first general Councils. The English Church, in their Synod at Hedtfeld, A.D. 680, left it out of their number, and embrace only the Council of Nice, the first of Constantinople, the first of Ephesus, the first and second of Chalcedon, to this day<sup>5</sup>.

<sup>1</sup> [Ep. CLXIII. ; see Bp Stillingfleet's 'Vindication,' Vol. II. p. 209.]

<sup>2</sup> [It was assembled by them in order to establish union between the eastern and western Churches; see Socrates, Hist. Eccl. Lib. II. c. 20.]

<sup>3</sup> [See Stillingfleet's 'Vindication,' Vol. II. pp. 209, 210.]

<sup>4</sup> De Concil., Lib. I. c. 17.

<sup>5</sup> [Archbp. Bramhall, Works, Vol. II. p. 533, where the authorities may be seen at length.]

Therefore Archbishop Bramhall had reason to say that 'this Council was never incorporated into the English laws, and consequently hath no force in England; especially, being urged in a matter contrary to the famous memorial of Clarendon, a fundamental law of this land. All appeals in England must proceed regularly, from the Bishop to the Archbishop, and from him to the King to give order for redress<sup>1</sup>.'

But to wipe away all colour of argument, whatever authority these Canons may be thought to have in other matters, it is certain they have none in this matter of appeals; for as to this point the undoubted general Councils afterward decreed quite otherwise; reducing and limiting appeals ultimately to the Primate of the province, or a Council, as hath been made to appear<sup>2</sup>.

When I hear any thing of moment urged from any other Council, as a grant of the pretended Supremacy to the Pope, I shall consider what may be answered: till then, I think there is an end of his claim, *jure humano*, either by a civil or canonical grant, by Emperors, or general Councils. So much hath been said against, and so little to purpose, for the Council of Trent, that I shall excuse myself and my reader from any trouble about it<sup>3</sup>.

But I must conclude, that the Canons of the Council of Trent were never acknowledged or received by the kingdom of England as the Council of

<sup>1</sup> [Archbp. Bramhall, Works, Vol. II. p. 533.]

<sup>2</sup> [See above, p. 225.]

<sup>3</sup> [Bp. Stillingfleet considers the character of this synod in his 'Vindication,' Part II. chap. viii.]



Basle was, which confirmed the acts of the Council of Constance ; which Council of Constance, without the presence or concurrence of the Pope, did decree themselves to be a lawful complete general Council superior to the Pope, and that he was subject to their censures ; and deposed three Popes at a time. The words of the Council are remarkable : ‘ The Pope is subject to a general Council, as well in matters of faith as of manners, so as he may not only be corrected, but if he be incorrigible, be deposed<sup>1</sup>.’

To say this decree was not conciliarly made<sup>2</sup>, and consequently not confirmed by Pope Martin V., signifies nothing, if that Martin were Pope ; because his title to the Papacy depended merely upon the authority of that decree. But indeed the word ‘ *conciliariter* ’ was spoken by the Pope upon a particular occasion, after the Council was ended and the Fathers were dismissed ; as appears in the history.

<sup>1</sup> [See authorities above, § ix., and Labbe, Concil., Tom. XII. pp. 19, 23.]

<sup>2</sup> [See Bramhall’s ‘ Just Vindication,’ Part. I. Disc. ii. ; Works, Vol. I. pp. 250—252 : Replication to the Bp. of Chalcedon, Part I. Disc. iii. ; Works, Vol. II. pp. 250, et seqq.]

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## CHAPTER XX.

OF THE POPE'S TITLE BY DIVINE RIGHT—THE  
QUESTION, WHY NOT SOONER?—IT IS  
THE LAST REFUGE.

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THE modern champions of the Church of Rome slight all that hath been said, and judge it beneath their master and his cause to plead any thing but a '*Jus Divinum*' for his pretended Supremacy; and indeed will hardly endure and tolerate the question, Whether the Pope be universal Monarch, or Bishop of the whole Church as St Peter's successor, *jure Divino*?

But if this point be so very plain, may I have leave to ask why it was not urged sooner? Why were lesser inconsistent pleas so long insisted on? Why do not many of their own great men discern it to this day?

The truth is, if the managery of the combat all along be seriously reflected on, this plea of Divine right seems to be the last refuge, when they have been driven by dint of argument out of all other holds, as no longer to be defended. And yet give me leave to observe, that this last ground of theirs seems to me to be the weakest, and the least able to secure them; which looks like an argument of a sinking cause.

However, they mightily labour to support it by these two pillars, (1) That the government of the whole Church is monarchical, (2) That the Pope is

the Monarch; and both these are *jure Divino*. But these pillars also must be supported, and how that is performed we shall examine.

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## SECTION I.

WHETHER THE GOVERNMENT OF THE WHOLE  
CHURCH BE MONARCHICAL BY DIVINE RIGHT?

—BELLARMINE—REASON—SCRIPTURE.

BELLARMINE<sup>1</sup> hath flourished with this argument through no less than eight whole chapters, and indeed hath industriously and learnedly beaten it as far it would go,—and no wonder if he have left it thin.

What solidity is in it, we are to weigh both from Reason and Scripture.

### I. *Not from Reason, in Three Arguments.*

Argument  
I.

From reason they argue thus: God hath appointed the best and most profitable government, (for He is most wise and good); but monarchical government is the best and most profitable.

Answers.

(1) It is plainly answered that to know which is the best government, the state of that which is to be governed must be considered, the end of government being the profit and good of the state governed; so that unless it appear that this kind of government be the most convenient for the state of the Church, nothing is concluded.

<sup>1</sup> [De Romano Pontifice, Lib. I. c. I.—IX.]

(2) We believe that God hath the care of the world, and not only of the Church; therefore in His wise and good Providence He ought to have settled the world under the best and most profitable government, viz. under one universal Monarch.

(3) Bellarmine himself grants, that ‘if particular Churches should not be gathered, *inter se*, so as to make one visible, political body, their own proper rector would suffice for every one, and there should be no need of one Monarch<sup>1</sup>.’

But all particular Churches are not one visible political body, but as particular bodies are complete in themselves, enjoying all parts of ordinary worship and government singly; neither is there any part of worship or government proper to the Œcumenical Church, *qua talis*.

(4) The argument seems stronger the contrary way: God is good and wise, and hath appointed the best government for His own Church; but He hath not appointed that it should be monarchical: therefore that kind of government seems not to be the best for His Church. Christ might foresee the great inconveniences of His Church’s being governed by one ecclesiastical Monarch, when divided under the several secular powers of the world, though the ambition of men overlook it and consider it not.

Yet that the government of the Church appointed by God, as best for it, is monarchical, is not believed by all ‘Catholies.’ The Sorbonne Doctors doubt not to affirm, that aristocratical government is the best

<sup>1</sup> [Ibid. c. viii.; Disputat. Tom. I. p. 136, A.]



of all, and most agreeable to the nature of the Church<sup>1</sup>.

(6) But what if we yield the whole argument? As the government of the Church is imperial, it is in Christ, the universal Monarch over it; but He being in a far country, He governs the several parts of his Church in distinct countries by visible ministerial monarchs or primates, proper to each. The distinction of imperial and ministerial power is given us in this very case by our adversaries; there is nothing unreasonable, unpracticable, or contrary to the practice of the world in the assertion. We grant that monarchy is the best kind of government in a due sphere; the world is wide enough for many monarchs, and the Church too. The argument concludes for Primates over Provinces, not for an universal Monarch, either over the world or the whole Church.

Argument  
II.

‘The Church cannot be propagated (as Bellarmine<sup>2</sup> argues) without a universal monarch, to send preachers into other provinces,’ &c.

Answer.

Who can doubt but that the governors of any Church have as much power to send any of her members, and have as much power in pagan and infidel countries, as the supposed universal Bishop? And if

<sup>1</sup> [This was the affirmation of Antonius de Dominis in his Treatise ‘de Republica Ecclesiastica;’ where he further quoted the Doctors of the Sorbonne as holding the same view. In 1617, however, they disclaimed all sympathy with him, declaring his proposition ‘heretique et schismatique, en tant qu’elle insinüe ouvertement que le pape n’a point d’autorité de droit divin sur les autres églises.’ See Du Pin, Hist. Eccl. du 17<sup>me</sup> siècle, Tom. I. pp. 447, et seqq. à Paris, 1714.]

<sup>2</sup> [De Romano Pontif. Lib. I. c. ix.: Tom. I. p. 138, B.]

heretics can propagate their errors, why should not the orthodox the truth without the Pope?

‘It is necessary (saith Bellarmine<sup>1</sup>) that all the faithful should have one faith, which cannot be without one chief Judge.’ Argument  
III.

In necessities they may, in other things they need not; as appears sufficiently among the Romanists about this as well as other points; neither could Peter himself, with the help of the rest of the Apostles, in their time prevent heresies and schisms. These things are too weak to bear up the great power and universal Monarchy pretended, and indeed an impeachment of the wisdom and goodness of Christ, if He have not provided such a government for his Church as they plead a necessity of, for the said ends:—the thing next to be inquired—

## II. *Not from Scripture Prophecies, Promises, Metaphors, or Example of High-priest.*

They affirm that ‘the Scriptures evince an universal Monarchy over the Church:’ but how is it proved?

The prophecies and promises and sundry metaphors (of a house, kingdom, body, flock, &c.) prove the Church to be one in itself; and consequently it must have one supreme Governor<sup>2</sup>. Argument  
I.

We are agreed, that the Church is but one, and that it hath one supreme Governor; and we are Answer.

<sup>1</sup> [De Romano Pontif. Lib. 1. c. ix.; Tom. 1. p. 138, c.]

<sup>2</sup> [This argument is stated at length by Bellarmine, *ibid.* p. 138. For a fuller reply see Bp. Overall’s ‘Convocation Book,’ pp. 202, et seqq. ed. Oxf. 1844.]

agreed, that Christ hath the supreme government of it, and that those Scriptures too signify that He is such, if we consider the government to be imperial, (as Hart<sup>1</sup> confesseth to Dr. Rainolds). And thus the argument passeth without any harm; but it still rests to be proved that the ministerial governor is but one, or that the Scriptures intend so, or St Peter, or the Pope, as his successor, is that one governor over the whole Church.

It is true, as our Saviour saith, there is one flock and one shepherd; but it is as true which he saith in the same place,—‘I am that good shepherd;’ but as that one principal Pastor had many vicars, not Peter only, but twelve Apostles, to gather and feed the sheep, who were therefore sent to preach to all nations,—and did, as it is said, divide the world into twelve provinces respectively,—so that one great Monarch might have many viceroys, if we may so call the future Bishops to govern the Church; though in faith but one, yet in site and place divided. It is no unreasonable thing, that the King of Britain and Ireland should govern Scotland and Ireland, which lie at some distance from him, by his deputations, as before was hinted.

Argument  
II.

‘There was one High-priest over the Church of the Jews, and by analogy it ought to be so in the Christian Church.’

Answer.

Many things were in that Church which ought not to be in this.

<sup>1</sup> [See ‘The Sum of the Conference between John Rainolds and John Hart,’ p. 9. London, 1609.]

They were one nation as well as one Church; and if every Christian nation have one High-priest, the analogy holds well enough.

The making the nations of the world Christian hath, as experience shews, rendered the government of the Church by one person, that cannot reside in all places, very inconvenient, if not impracticable.

Now if our Saviour foresaw this, and hath ordered the government of the Christian Church otherwise than Moses had that of the Jews, who shall say, What hast thou done?

It can never be proved that the High-priest over the Jews was either called the Judge, or had such power over that Church as the Pope pretends over the Christian<sup>1</sup>.

Lastly, it is not doubted but Moses was faithful, and Christ as faithful, in appointing a fit government for these great and distinct states of the Church; but what kind of government Moses appointed is nothing to the question, unless it appear that Christ hath appointed the same. The proper question is, whether Christ hath appointed that the Christian Church should be governed by one universal Monarch;—let us apply to that.

The great issue is, the instance of St Peter. It is Argument  
III. affirmed that our Lord committed the government of the Christian Church to St Peter, and his successors, the Popes of Rome, for ever.

A grant of so great consequence ought to be very plain; the whole world is concerned, and may expect evidence very clear, (1) That Christ gave this universal

<sup>1</sup> See Conference between Rainolds and Hart, pp. 202, 203.



Supremacy to St Peter ; and (2) to the Pope, as his successor. If either fail, *Roma ruit*.

## SECTION II.

OF ST PETER'S MONARCHY—'TU ES PETRUS'—  
FATHERS ABUSED.

**W**E are now come to the quick. The first great question is, Whether Christ gave his Apostle St Peter the government of his whole Church ? This would be proved from Matthew xvi. 18, 'Thou art Peter, and upon this rock I will build my Church.' The argument is, What Christ promised He gave ; but in these words Christ promised to make Peter the Supreme Head and Governor of his Church ; therefore this power was given him.

1st  
Scripture.

If this argument conclude, by 'this rock' must be meant St Peter ; and the words, 'I will build my Church upon it,' must signify the committing the supreme power of the Church to him.

Answer.

For the first, it is at least a controversy among the ancient Fathers ; and many of them do deny that by this rock we are to understand any thing but that confession which was evidently the occasion of this promise, and was made by Peter just before,—as St Cyril<sup>1</sup>, Hilary<sup>2</sup>, Chrysostom<sup>3</sup>, Am-

<sup>1</sup> [S. Cyril. Alexand. de Sancta Trinitate, Dial. iv. ; Opp. Tom. v. Part. i. p. 507, E ; ed. Paris. 1638.]

<sup>2</sup> [e. g. de Trinitate, Lib. II. ; Opp. p. 17, col. i. c ; ed. Paris. 1631.]

<sup>3</sup> [e. g. in Matth. Homil. LIV. al. LV. ; Opp. Tom. VII. p. 548, A ; ed. Paris. 1727.]

brose<sup>1</sup>, and St Augustine<sup>2</sup>, whose *lapsus humanus* in it is reproved by Stapleton<sup>3</sup>.

But I am willing to agree as far as we may, and therefore shall not deny but something peculiar to St Peter's person was here promised, (though I believe it was a point of honour, not a supremacy of power): what that was will appear by the thing promised, 'I will build my Church,' that is, 'upon my doctrine preached by thee.' 'I will build my Church;' thou shalt have the honour of being a prime and principal author of the world's conversion; or (as Dr Rainolds<sup>4</sup> against Hart) Peter was in order with the first who believed, and among those first he had a mark of honour in that he was named 'Stone' above his brethren. Yet as he, so the rest are called foundations, and indeed so were in both these senses: for the twelve were all prime converts, and converters of others, and were foundations in their respective provinces on which others were built; but they were not built one upon another, and they had no other foundation on which they themselves were built, but Christ himself.

<sup>1</sup> [e. g. in Epist. ad Ephes. cap. ii. ; Opp. Tom. III. col. 498, E; ed. Paris. 1614.]

<sup>2</sup> [St. Augustine held that the 'rock' might in one sense mean St. Peter, and in another our Lord himself. In his 'Retractions,' Lib. i. c. 21, he says "Harum autem duarum sententiarum, quæ sit probabilius eligat lector."]

<sup>3</sup> De Princip. Doctrin. Lib. vi. c. 3. [A synopsis of the various interpretations of this text of Scripture is given in Mr. Palmer's 'Treatise on the Church,' Part VII. chap. i.]

<sup>4</sup> [pp. 30, 31. The same view is taken of our Lord's declaration by Bishop Pearson, On the Creed, Art. ix. p. 508; ed. Lond. 1842; and by Bp. Horsley, Sermon on Matt. xvi. 18, 19.]

We are willing to any thing that the sense of the words will conveniently bear; but that they should signify power and government over the whole Church, and the rest of the Apostles, we cannot understand: for the Rock is supposed before the building upon it, and the building before the government of the house; and the government of the Church cannot tolerably be thought to be of the foundation or first building of the Church, but for the preservation or augmentation of it after its existence is supposed.

Perhaps there is ground to allow that Peter's foundation was the first, as his name was first among the Apostles; and that this was the reason of that primacy of order and dignity which some of the ancients in their writings acknowledged in St Peter<sup>1</sup>; but certainly there is need of a plainer text to argue this text to signify that supremacy of power over the rest of the Apostles and the whole Church, which is so hotly contended for by our Romish adversaries to be given Saint Peter. However, after the resurrection of Christ, 'all were made equal, both in honour and power,' as Saint Cyprian<sup>2</sup> saith.

2nd  
Scripture.

But it is urged that the other part of the promise is most clear, "To thee will I give the keys of the kingdom of heaven," viz. 'the fulness of ecclesiastical power,' as Hart<sup>3</sup> expressed it.

<sup>1</sup> Paul had the same primacy over Barnabas, that Peter had over the apostles. See St. Ambrose in Epist. ad Gal. c. II.: [Opp. Tom. III. col. 471, G; ed. Paris. 1614.]

<sup>2</sup> De Unitate Eccles. [§ 3: "Hoc erant utique et cæteri apostoli, quod fuit Petrus, pari consortio præditi et honoris et potestatis; sed exordium ab unitate proficiscitur, ut ecclesia Christi una monstretur."]

<sup>3</sup> [Conference, p. 32.]

Our answer is, that Christ here promised no more Answer.  
power to Peter than he performed to all the Apostles :  
Peter's confession was made in the name of all, and  
Christ's promise was made to Peter in the name of  
all ; and nothing can be clearer, either in the text or  
in fact.

The text is plain, both in itself and in the judgment of the Fathers, that Peter stood in the room of the rest, both when he made the confession and received the promise<sup>1</sup>.

And that it did equally concern the rest of the Apostles is evident by the performance of it. A promise is of something *de futuro* ; our Saviour saith to Peter, ' I will give thee the keys,' but when did He do it ? And how did He do it ? Certainly at the time when He delivered those words recorded John xx. 21, 23, and after the manner there expressed, and by that form of words. How are not those words spoken by Christ equally to all the Apostles ? " As my Father sent me, so do I send you ; whose soever sins ye remit," &c.—nothing plainer.

To say that Christ gave not the keys to all, but only the power of remitting and retaining sins, seems pitiful, unless some other proof be offered, that Christ did actually perform this promise to St Peter apart,

<sup>1</sup> Vid. S. Augustin. in Johan. cap. xix. Tractat. cxviii. ; [Opp. Tom. iii. Part ii. col. 583, f ; ed. Antverp. 1700] : S. Ambros. Ennarat. in Ps. xxxviii. ; [Opp. Tom. ii. Col. 744, e ; ed. Paris. 1614] : Hieronym. adv. Jovinian. Lib. i. ; [Opp. Tom. iv. Part ii. Col. 168 ; ed. Paris. 1706] : Origen. Comment. in Matth. ; [Opp. Tom. iii. pp. 523, 524 ; ed. Paris. 1740] : Hilar. Pictav. de Trinitate, Lib. vi. ; [Opp. col. 77, 78 ; ed. Paris. 1631]. Cardinal de Cusa is plain on this point also. Vid. de Cathol. Concordantia, Lib. ii. c. 13.



and give him the keys at some other time, in distinction to the power given in the twentieth of John to all together.

‘Remitting and retaining sins,’ is certainly the power of the keys, and so called by the Council of Trent<sup>1</sup> itself. And it is not the keeping, but the power of the keys is the question; and indeed Bellarmine<sup>2</sup> proves, that the whole power of the keys, and not a part only, as Stapleton<sup>3</sup> supposed, was granted to all the Apostles in the words John xx., to be the general interpretation of the Fathers.

Stapleton<sup>4</sup> from Turrecremata distinguisheth betwixt the apostolic and the episcopal Power; and they grant, that the apostolic power was equal in all the Apostles, and received immediately from Christ, but the episcopal power was given to St. Peter with the keys, and immediately and by him to the rest.

This is a new shift; else why is the title ‘apostolical’ given to the Pope, to his See, to all acts, &c.; seeing the Pope, according to the fineness of this distinction, doth not succeed Peter, as an Apostle, but as a Bishop.

It is as strange as new; seeing the power of the keys must as well denote the episcopal power of the rest of the Apostles as of Peter; and the power of using them, by remitting, &c., was given, generally and immediately, by Christ to them all alike.

<sup>1</sup> Catechism. ad Parochos, [p. 257, ed. Lovan. 1567.]

<sup>2</sup> In Prælect. Roman. Controvers. iv. Quæst. iii. de Summo Pontifice.

<sup>3</sup> [De Princip. Doctrin. Lib. vi. c. 1.]

<sup>4</sup> [Ibid. capp. 1, 6, 7, 8.]

This distinction of Turrecremata was (as Rainolds<sup>1</sup> against Hart sheweth) spoiled, before Doctor Stapleton new vamped it, by two learned friars, Sixtus Senensis and Franciscus à Victoria; evidencing both out of the Scriptures, that the Apostles received all their power immediately of Christ; and the Fathers, that in the power of apostleship and order (so the two powers were called), Paul was equal to Peter, and the rest to them both.

Therefore, this distinction failing, another is invented, and a third kind of power is set up, viz. the power of the kingdom; and now from the threefold power of Saint Peter, *Apostolatus, Ordinis, Regni*, it is strongly affirmed<sup>2</sup>, (1) touching the Apostleship, 'Paul (as Jerome<sup>3</sup> saith) was not inferior to Peter; for he was chosen to preach the Gospel, not by Peter, but by God, as Peter was': (2) touching the power given in the sacrament of Orders, Jerome<sup>4</sup> saith well too, that 'all the Apostles received the keys equally, and that they all, as Bishops, were equal in the degree of Priesthood, and the spiritual power of that degree:—thus the first distinction is gone. But, thirdly, touching the power of kingdom, Saint Jerome<sup>5</sup> saith best of all, that 'Peter was chosen among the twelve, and made the head of all, that all occasion of schism might be removed.'

These are fancies of the Schoolmen, but where are

<sup>1</sup> [Conference, p. 81.]

<sup>2</sup> [See Rainolds against Hart. *ibid.*]

<sup>3</sup> In Comment. ad Galat. [cap. i.: Opp. Tom. iv. Part i. col. 223.]

<sup>4</sup> Advers. Jovinian. [Lib. i.: Opp. Tom. iv. Part ii. col. 168.]

<sup>5</sup> [*Ibid.*]

they grounded? We are seeking for Saint Peter's supremacy in the Scripture; where do we there find this power of the kingdom given him by Christ? Or what ancient Father ever so expounded this text of the keys?

We grant, many expressions are found in the Fathers in honour of Saint Peter. Saint Augustine affirms his 'primacy is conspicuous and pre-eminent with excellent grace:' Saint Chrysostom calleth him 'the mouth,' 'the chief,' 'the top of the company;' Theodoret styles him, 'the prince;' Epiphanius 'the highest;' Saint Augustine 'the head, president and first of the Apostles;' which he proveth out of Saint Cyprian, who saith, 'the Lord chose Peter first;' and Saint Jerome saith, 'he was the head, that occasion of schism might be taken away,' and gives him the honour of great authority;—all these were used by Hart<sup>1</sup> against Rainolds.

To them all Doctor Rainolds<sup>2</sup> gives clear and satisfactory answers, shewing largely that they signify nothing but a primacy of election, or order, or dignity, or esteem, and authority in that sense; or a primacy in grace and gifts, viz. a principality or chiefness in worth; or a primacy of presidentship in assemblies, as the mouth and moderator; or the head of unity and order, as Jerome<sup>3</sup> means: but it is not to be proved from any or all of these encomiums, that the Fathers believed that the other Apostles were under Saint Peter as their governor, or that he had any real power given him by Christ more than they.

<sup>1</sup> [Conference, p. 172.]

<sup>2</sup> [Ibid. pp. 172, et seqq.]

<sup>3</sup> [Quoted above, p. 257, note 5.]

The words of Saint Cyprian<sup>1</sup> are plain and full. "Albeit Christ," saith he, "gave equal power to all the Apostles after his resurrection, and said, As my Father, &c. ; yet to declare unity, He disposed by his authority the original of that unity, beginning in one. No doubt," saith he, "the rest were the same that Peter was, endued with the like fellowship (*pari consortio*) of honour and power ; but the beginning doth come from unity, that the Church of Christ may be shewed to be but one."

Thus this topic of the Fathers' expounding the text being found to fail, another device, and such a one as the very detection both answers and shames the authors, is fled unto, viz. to corrupt instead of purging the Fathers, and to make them speak home indeed.

The place of Saint Cyprian just now set, is a very clear instance of this black art, allowed by the Popes themselves ; the place which in the former prints was thought to make rather for an equality of all the Apostles in power, as it is set down in the Roman-purged Cyprian, is thus altered by addition of these words, 'and the primacy is given to Peter.' Again He appointed one Church, 'and the chair to be one;' and to make all sure, the Antwerp Cyprian addeth conveniently *Peter's* chair : and then, saith he, who forsaketh 'Peter's' chair, on which the Church was founded, &c. And by this time Peter's primacy is the Pope's supremacy<sup>2</sup>.

<sup>1</sup> De Unitate Eccles. § 3.

<sup>2</sup> See Dr. Rainolds [against Hart], pp. 166—171.



But Thomas Aquinas<sup>1</sup> hath dealt worse with St Cyril, fathering a 'treasure' upon him which he never owned, beyond all tolerable defence. To the Grecians St Cyril is brought in speaking thus: 'Christ did commit a full and ample power both to Peter and his successors'... 'the Apostles in the Gospels and Epistles have affirmed (in every doctrine) Peter and his Church to be in stead of God; and to him, even to Peter, all do bow by the Law of God, and the Princes of the world are obedient to him, even as to the Lord Jesus; and we as being members must cleave unto our head, the Pope and the Apostolic See,' &c.

Now either St Cyril said thus, or not. If he did, who will believe him that shall make such stories, and father them upon every doctrine in the New Testament, contrary to common sense and the knowledge of all; or trust his cause to the interpretation of such Fathers? But if this Book called St Cyril's 'Treasure' be none of St Cyril's,—as certainly it is not,—then, though I am provoked, I shall say no more, but that we should weigh the reasons, but not the authority, of such a schoolman, especially in his master's cause. It is certain, the words are not to be found in those parts of Cyril's 'Treasure' which are extant, as Hart<sup>2</sup> acknowledged to Dr Rainolds.

Yet the abuse of single Fathers is not so heinous a thing as Thomas committed against six hundred Bishops, even the general Council of Chalcedon, when

<sup>1</sup> [In *Opusculo contra Errores Græcorum ad Urban IV.*, quoted at length by Rainolds, *ubi supra*, p. 159.]

<sup>2</sup> [*Ibid.* p. 160.]

he saith they decreed thus: "If any Bishop be accused, let him appeal freely to the Pope of Rome, because we have Peter for a rock of refuge; and he alone hath right with freedom of power, in the stead of God, to judge and try the crime of a Bishop, according to the keys which the Lord did give him;" calling the Pope 'the mos holy, apostolic, and universal Patriarch of the whole world<sup>1</sup>.' Now in that Council there is not a word of all this; and they answer, heretics have razed it out, if you will believe it, but neither Surius nor Carranza find any thing wanting<sup>2</sup>. I shall only make this note, that seeing the Fathers have been so long in the hands of those men that stick at nothing that may advance the power of their master, it is no wonder that their learned adversaries are unwilling to trust their cause with such judges, but rather appeal to the true Canon, and call for Scripture.

One would think this were enough: but this opinion of the equality of power among the Apostles was not only the concurrent judgment of the ancients, but even of learned later men in the Church of Rome, even from these words, *Tu es Petrus, etc.*, upon unanswerable reason,—Lyra<sup>3</sup>, Durand à St Porciano<sup>4</sup>, both in the fourteenth century, and Abulensis<sup>5</sup> in the fifteenth century. The latter argues earnestly, 'that none of the Apostles did understand those words of

<sup>1</sup> [See Rainolds, *ibid.* p. 163.]

<sup>2</sup> [*Ibid.*]

<sup>3</sup> [Nicol. de Lyra, *Postil.* in *Mat.* xvi. 18, 19.]

<sup>4</sup> [*Commentar.* super *iv.* *Sentent. Distinct.* xviii. *Quæst.* ii.]

<sup>5</sup> In *Matth.* xviii. *Quæst.* vii.; in *Matth.* xx. *Quæst.* lxxxiii.

Christ to give any supremacy to Peter; for afterwards they contended for superiority, Matthew xviii., and after that, the two sons of Zebedee desire it, Matthew xx., and at the last supper the question is put again, Luke xxii.' Therefore he concludes, 'they thought themselves equal till Christ's death, when they knew not which of them should be greatest<sup>1</sup>.' This was the common interpretation of the Doctors of Paris, and of Adolphus Archbishop of Cologne, and of the Bishops of his province; the decrees of whose Synod, with this interpretation, were ratified in every point by Charles the Fifth, and enjoined to be observed<sup>2</sup>.

Thus the chief ground of St Peter's supremacy is sunk, and there is little hopes that any other text will hold up that weighty superstructure.

3rd  
Scripture.

Another Scripture much insisted on for the support of St Peter's supremacy, is John xxi. 14—17: "Peter, lovest thou me? Feed my sheep, feed my lambs:" wherein is committed to Peter the power of the whole Church.

Answer.

It is answered, this text gives not any commission or power to St Peter; it gives him charge and commandment to execute his commission received before. Now it hath appeared sufficiently, that the commission was given equally to all the Apostles in those words, "as my Father sent me, so send I you," &c.; so that the power of feeding, and the duty of pastors, was

<sup>1</sup> See Cusanus his contemporary, de Concord. Cathol. Lib. iii. c. 13, c. 34, and Franciscus à Victoria, [both quoted at length by Dr. Hammond, 'Dispatcher Dispatcht,' chap. ii. sect. ii. § 2.]

<sup>2</sup> Apud Concil. ed. Bin. A.D. 1549; [Tom. ix. p. 304, col. 2, B.]

alike to them all. Though this charge was given to Peter by name here, with so many items perhaps intimating his repeated 'prevarications, yet were they all sent, and all charged with a larger province than these words to Peter import: 'Teach all nations,'— 'Preach the Gospel to every creature,'—are our Saviour's charge to them all.

'In the apostolic power all were equal' (saith *Objection.* Hart<sup>1</sup>), 'not in the pastoral charge.'

We answer with a distinction (allowed by Staple- *Answer.* ton<sup>2</sup>) of the name Pastor; it is special and distinct from Apostle;—"some Apostles...some Pastors<sup>3</sup>;"—or general and common to all commissioned to preach the Gospel. So Christ is called Pastor<sup>4</sup>, and all the Apostles were Pastors as well as Peter.

But 'St Peter was the Pastor over the rest; for *Objection.* he is charged to feed all the sheep, the whole Church. Now the rest of the Apostles were Christ's sheep, and members of his Church<sup>5</sup>.'

Christ saith not to Peter, Feed all my sheep, but *Answer.* he doth say to them all, 'Preach the Gospel to every creature<sup>6</sup>.' And if Peter have power over the rest, because they are sheep, and he is to feed the sheep; then every one of the rest have power over Peter because he is a creature, and they are to preach to every creature. But this is trifling; so is all that is further argued from this text; though by feeding we understand ruling, ruling of pastors, or what you will,

<sup>1</sup> [Conference, p. 87.]

<sup>2</sup> [De Princip. Doctrin. Lib. vi. c. 7.]

<sup>3</sup> Eph. iv. [11.]

<sup>4</sup> [John x. 11; 1 Pet. ii. 25.]

<sup>5</sup> Hart, [as above, p. 90.]

<sup>6</sup> [Mark xvi. 15.]



while whatsoever was charged on Peter here is within the same commission, wherein Peter and all the rest of the Apostles are equally empowered as before; and that of Bellarmine<sup>1</sup>, 'that Peter was to feed the sheep as ordinary pastor, the Apostles as extraordinary ambassadors,' is altogether as groundless;—as if there were any colour of reason that an ordinary pastor should have more power than an extraordinary ambassador.

Dr Hammond observes, 'Bellarmine was not the author of that artifice; Cajetan and Victoria had used it before him, and obtained it the honour of coming into the Council of Trent, where the Bishop of Granada derided it, and the authors of it; and soon after the Bishop of Paris expressly affirmed that Cajetan was (about fifty years before) the first deviser of it. The Bishop of Granada confutes it by Scripture, as understood by all the Fathers and Schoolmen,—as he affirmed<sup>2</sup>.'

To conclude this matter, 'Feed my sheep' are not a ground for the Pope's presidency, which are found not to be so of Peter's above the body of the universal Church; as was publicly pronounced in the Convent of the Friars-Minors, (as appears by the *Opusculum*<sup>3</sup> of John, Patriarch of Antioch). And Cardinal Cusanus<sup>4</sup>, who lived at the same time, makes

<sup>1</sup> [De Romano Pontif. Lib. i. c. 11.]

<sup>2</sup> ['Dispatcher Dispatcht,' chap. ii. sect. ii. § 15: Works, Vol. ii. p. 197.]

<sup>3</sup> [This was a treatise 'de Superioritate Concilii supra Papam,' publicly recited at Basle as above mentioned. It is printed among the Acts of the Council of Basle. Vid. Concil. ed. Labb. Tom. xii. p. 912.]

<sup>4</sup> De Concord. Cath. Lib. ii. c. 23.

them words of precept, not of institution; and both are agreeable to the interpretation of the ancients<sup>1</sup>.

It is time to look further. The third great place of argument is Luke xxii. 32: "Thou being converted, strengthen thy brethren." Whence Hart<sup>2</sup> reasons thus: 'Christ commands Peter to strengthen his brethren, and his brethren were the Apostles; therefore he was to strengthen the Apostles, and by consequence he must be their Supreme Head.'

Luke xxii.  
32.

When Hart urged this argument with all his wit and might, and Dr Rainolds had made it evident, there is no authority given by the words, nor carried in the word 'strengthen,' that equals and inferiors are not capable of it as well as superiors—much less can it necessarily imply a supremacy over the whole Church—he confesseth with Stapleton, that Christ gave the power to Peter after his resurrection, when he said to him, 'Feed my lambs,' (which we have weighed before), but those words of strengthening, &c., he spake before his death, and did but *futuram insinuaverat*, 'insinuate therein,' and (as Hart's word<sup>3</sup> is) give an inkling that he would make him Supreme Head; then if he did not make him so afterward, he did it not at all.

Answer.

That Peter had power over the rest of the Apostles, would be proved (as before) from the promise and commission of Christ, so at last by Peter's execu- Acts i. 15.

<sup>1</sup> [See Dr. Hammond, as above, p. 196, and for a great number of other authorities, Mr. Palmer's 'Treatise on the Church,' Part VII. chap. 1.]

<sup>2</sup> [Conference, p. 103.]

<sup>3</sup> [p. 110.]

tion; he proposed the election of a new Apostle in the room of Judas.

Answer. Therefore he was speaker (at least *pro tempore*) in the assembly, but not a prince or supreme Monarch.

Objection. But St Chrysostom saith, 'that though Peter's modesty was commendable for doing all things by common advice and consent, and nothing by his own authority'; yet addeth, that 'no doubt it was lawful for Peter to have chosen Matthias himself<sup>1</sup>.'

Yet the same Father calls this seat given him by the rest 'a Primacy<sup>2</sup>,' not a Supremacy. Again, he derives this Primacy from the modesty of the Apostles (not the donation of Christ), as Hart<sup>3</sup> confesseth. But indeed the Father exceeded in his charity; and it is he that said that Peter might have chosen one himself; the Scripture saith not that he might, yea it saith he did not. And the argument from Peter's execution of this power is come to this, that he did not execute it.

Besides, many Fathers (and in Council too) together with St Cyprian pronounce, that Peter proposing the matter, to the end it might be carried by common advice and voice, did according to the lessons and precepts of God; therefore, *jure Divino*, they thought Peter had no such power, as Dr Rainolds<sup>4</sup> shews.

Acts xv. 7,  
etc. But 'when Peter had been heard, all the multi-

<sup>1</sup> [This is the objection of Hart against Rainolds, p. 115. He is referring to St. Chrysostom, in Act. Apostol. Hom. III.; Opp. Tom. IX. p. 25, B; ed. Paris. 1731.]

<sup>2</sup> [In Matt. Hom. L. (al. LI.); Opp. Tom. VII. p. 515, E. The original is τῶν πρωτείων, κ. τ. λ.:]

<sup>3</sup> [Ibid. p. 116.]

<sup>4</sup> [p. 119.]

tude held their peace, and James and all the Elders did agree unto Peter's sentence.'

What is this to prove his supremacy? Because Answer. the Council, having heard Gamaliel<sup>1</sup>, agreed to him, was therefore Gamaliel (a Pharisee, a doctor of the law, whom all the people honoured,) Supreme Head, and superior to the High-priest and Council? And if Jerome<sup>2</sup> say, Peter was '*princeps decreti*,' he acknowledged perhaps the reason, the motion, and the delivery or declaration of it, principally to Peter, the first author of the sentence, as the same Jerome<sup>3</sup> calls him, and explains himself. So was Tully called<sup>4</sup>, viz. 'prince of decrees,' when he was neither president nor prince of the Senate.

We conclude that Peter had no superiority of power or government over the rest of the Apostles, or the whole Church; because it neither was promised him, nor given him, nor executed by him, notwithstanding Bellarmine's<sup>5</sup> twenty-eight prerogatives of St Peter;—from which I presume none can be so hardy as to venture to argue, many of them being uncertain, some vain and trifling, and some common with the rest of the Apostles, but neither *divisim* or *conjunctim* sufficient to make or to evince any real supremacy of power in St Peter.

<sup>1</sup> [Acts v. 34.]

<sup>2</sup> [Epist. ad Augustin. LXXV. (al. XL) Opp. Augustin. Tom. II. col. 130, A; ed. Antwerp. 1700.]

<sup>3</sup> [Ibid. c.]

<sup>4</sup> Pro Corn. Balbo [c. XXVII.: "Harum ego sententiarum princeps et auctor fui."]

<sup>5</sup> [See following chapter, sect. i.]



It is indeed said by some of the Fathers, that the government of the world and the care of the whole Church was committed to Peter; but it is plain they speak of his Apostleship,—for they say the same of Paul<sup>1</sup>, and the like of Timothy<sup>2</sup>, who was never reputed universal monarch. ‘Paul and Peter had two different primacies<sup>3</sup>,’ had the ‘same dignity,’ ‘were equal<sup>4</sup>.’

<sup>1</sup> [Dr. Barrow (Treatise on the Pope’s Supremacy; Works, Vol. I. p. 587; ed. 1716) gives five instances of this usage from St. Chrysostom only.]

<sup>2</sup> [The words are, *Τὴν τῆς οἰκουμένης προστασίαν ἐγκεχειρισμένος*. Homil. vi. adv. Judæos: Opp. Tom. I. p. 142.]

<sup>3</sup> S. Ambros. [The following seems to be the passage referred to: “*Petrum solum nominat, et sibi comparat, quia primatum ipse acceperat ad fundandam ecclesiam; se quoque pari modo electum, ut primatum habeat in fundandis gentium ecclesiis.*” In Epist. ad Galat. cap. ii.: Opp. Tom. III. col. 470, 471; ed. Paris. 1614.]

<sup>4</sup> Chrysost. [*Καὶ δείκνυσι αὐτοῖς ὁμότιμον ὄντα λοιπὸν, καὶ οὐ τοῖς ἄλλοις ἑαυτὸν, ἀλλὰ τῷ κορυφαίῳ συγκρίνει, δεικνὺς ὅτι τῆς αὐτῆς ἑκαστος ἀπέλαυσεν ἀξίας.* In cap. II. Epist. ad Galat. Opp. Tom. X. pp. 684, 685; ed. Paris. 1732. See also St. Chrysostom and Œcumenius, on 2 Cor. xii. 11.]

## CHAPTER XXI.

### OF THE POPE'S SUCCESSION.

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I HAVE laboured the more to scatter the pretences of Saint Peter's supremacy, because (though the consequence be not good from that to the Pope's, yet) it is a demonstration, that if Saint Peter had it not, the Pope cannot have it, as his Successor, *jure Divino*.

We must leave Saint Peter's supremacy to stand or fall to the reason of the discourse before, and must now examine the plea of Successor, and the Pope's Authority over the Church, as he is Successor to Saint Peter.

Now that it may appear we love not quarrelling, we shall not dispute whether Peter was a Bishop of a particular See? Whether he was ever at Rome? Whether Rome was at first converted by him? Whether he was Bishop of Rome? Whether he resided there for any considerable time? Whether he died there? Whether the Pope had any honour as his Successor? Or lastly, whether the Pope had the primacy of all Bishops in the former ages of the Church? It is well known that few adversaries would let you run away quietly with all or any one of these.

Yet there are two things that I shrewdly question: (1) Whether the Pope had at first the Primacy itself, as Successor of Saint Peter. (2) Much more,

whether by that succession he received supreme power over the whole Church, *jure Divino*. The main point to be proved is the last, yet it may be worth the while to examine the first.

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## SECTION I.

### WHETHER THE PRIMACY OF PETER DESCENDED TO THE BISHOPS OF ROME ?—NEG.

**I**T doth not appear that Saint Peter had his Primacy over the rest of the Apostles, as Bishop, much less as Bishop of Rome ; but the contrary doth appear.

Reason I.  
Before.

(1) Because he was Primate long before he was Bishop, if he was so at all ; and therefore, if he was Primate, *ratione muneris*, or with respect to any office, it was that of his Apostleship, and not of his Episcopacy : the consequence then is evident, that the Pope could not succeed Saint Peter in the Primacy, as Bishop of Rome, or indeed in any sense ; for the apostolical office was extraordinary, and did not descend by succession, as the Romanists yield.

Not as  
Bishop.

That Saint Peter was Primate, not as Bishop, but was antecedently so, it is most apparent upon the grounds of it allowed and pleaded by our adversaries ; because he was first called to the Apostleship ; he was named ‘the first’ of the Apostles ; he had the first promise of the keys ; he was the first converter of the Gentiles, &c. ‘*Privilegium personale cum persona extinguitur.*’

(2) Indeed the Primacy of Saint Peter arose from such personal respects and grounds<sup>1</sup>, that rendered it incapable of succession; and therefore none could derive that prerogative, though they had succeeded him both as Bishop and Apostle.

Reason 11.  
On personal re-  
spects.

These prerogatives of Saint Peter, which Bellarmine<sup>2</sup> himself lays down as the grounds and arguments of his Primacy, are generally such—at least all of them that appear in the Scriptures, all of them but such—as beg the question, while the others depend on notorious fables:—as appears at first view.

(1) Saint Peter was Primate, because his name was changed by Christ. (2) Because he was always first named. (3) He alone walked on the waters. (4) He had peculiar revelation. (5) He paid tribute with Christ. (6) He was the chief in the miraculous fishing. (7) He is commanded to strengthen his brethren. (8) He was the first of the Apostles that saw Christ risen from the dead. (9). His feet Christ first washed. (10) Christ foretold his death to him alone. (11) He was president at the election of Matthias. (12) He first preached after the Holy Ghost was given. (13) He did the first miracle. (14) He condemned the hypocrisy of Ananias, &c. (15) He passed through all quarters, Acts ix. 32. (16) He first preached to the Gentiles. (17) He was miraculously delivered out of prison. (18) Paul envied him. (19) Christ baptized him alone. (20) He detected and condemned

21 Prero-  
gatives, ac-  
cording to  
Bellar-  
mine.

<sup>1</sup> [See, on the *personal* pre-eminence of St. Peter, Barrow's Treatise on the Pope's Supremacy, Suppos. 1.]

<sup>2</sup> [De Romano Pontif. Lib. 1., cap. xvii. et seqq.]



Simon Magus. (21) He spake first in the Council, Acts xv.

Argument.

These are twenty-one of the prerogatives of Saint Peter, which Bellarmine makes grounds and arguments of his Primacy; which, if one say them over, and endeavour to apply them to any but Saint Peter's (individual) person, it will appear impossible; the reasons of this Primacy cannot be supposed out of Peter's person; therefore the Primacy cannot pass to his Successor. Mark them, and you will find they are all either acts done by Saint Peter, or graces received by him; and so personally in him, that whatsoever depends on them must needs die with Saint Peter's person, and cannot be inherited by his Successor.

Indeed, this Primacy rose of such grounds, and was in Saint Peter by consequence of them; had the Primacy been an office, or a grace given, of or in or for itself, without respect to any of these grounds, there had been some shadow (and but a shadow) for its succession; but it having an essential dependence on those reasons which were peculiar and proper to Saint Peter's person, they cease together.

Other seven Prerogatives.

But, lest it should be thought, that there is more of argument in the other seven prerogatives which Bellarmine mentioned<sup>1</sup>, I beg my reader's pardon to set them down also. The first is, perpetual stability is promised to Peter and his Sec. (2) He alone was ordained Bishop by Christ, and the rest by him<sup>2</sup>.

<sup>1</sup> [De Romano Pontif. Lib. I. c. xxiii. xxiv.]

<sup>2</sup> [The authority annexed by Fulwood is an epistle ascribed to Anacletus, fourth bishop of Rome, where it is asserted, 'In Novo

He placed his seat at Rome. (4) Christ appeared to him a little before he died; therefore Primate? and his successor too? (5) The Churches which he founded were always counted patriarchal. (6) The feast of his chair was celebrated. (7) And his name added to the name of the Trinity, *in literis formatis*. What then was he not yet Primate before all this? Was not his Primacy founded upon the reasons above? Will you say he was not Primate, or by virtue of his Primacy was not President in the two Councils mentioned? And if that be more than confessed, (even pleaded by you), must not the former personal respects be the grounds of that Primacy? And is it possible for such a Primacy by succession to descend to any other person?—None, that consider, will say it.

The Fathers acknowledge a Primacy in St Peter, *Fathers.* but upon such personal grounds as are mentioned. Saint Peter was ‘called a rock,’ saith Saint Ambrose<sup>1</sup> (if the book be his), ‘because he was the first that laid the foundation of faith among the nations.’ Cerameus<sup>2</sup> gives him likewise, *primus aditus ædificationis spiritualis*.

Testamento post Christum Dominum a Petro sacerdotalis cœpit ordo,’ &c. Vid. Gratian. Decret., Part. I.: Distinct. XXI. c. ii. That the epistle is spurious was demonstrated by Bp. Jewel, ‘Controversy with Harding,’ pp. 341, 342; ed. Parker Soc. 1843.]

<sup>1</sup> [“Petra enim dicitur eò quod primus in nationibus fidei fundamenta posuerit.” Concio II., de Sanctis. According to Cave, (Histor. Liter. sub Ambros.) these Sermons are by some attributed to Maximus of Turin.]

<sup>2</sup> [This writer was *Theophanes Cerameus*, a Sicilian archbishop of the 11th Century. He wrote numerous homilies, which were printed at Paris, 1644; the passage to which Fullwood refers,

Objection. *Christianorum Pontifex primus Petrus, et reliquorum Apostolorum Princeps, propter virtutis amplitudinem*<sup>1</sup>.

Answer. He was Prince, 'for the greatness of his virtue.' Virtue is a personal gift, and cannot pass by succession.

Objection. Saint Chrysostom, indeed, is urged against us, '*Curam, tum Petro, tum Petri successoribus committebat*'<sup>2</sup>.

Answer. It is granted, Peter had his successors in time and place, and that is all the words, *καὶ τοῖς μετ' ἐκεῖνον* (to be rendered 'those which followed him'), will conclude.

However, admit the Bishop of Rome did succeed Saint Peter in his 'care', as the word is; doth it follow that he succeeded him in his Primacy?—which hath appeared not capable of succession.

### *Application of Section I.*

Inference I. Therefore, I conclude that whatsoever Primacy the Bishop of Rome obtained in the ancient Church, it was not the Primacy of Saint Peter, or as he was successor of Saint Peter in his Primacy; but he obtained it upon other grounds, not those antecedent in Saint Peter, but such as arose afterwards, and were peculiar to the Church of Rome. A note as easy to be observed by such as look into the practice of the

is in Homil. XLIX.; the Greek being ἀφορμὴ κ. τ. λ. For a similar passage see Tertullian, de Pudicitia, c. XXI.]

<sup>1</sup> Euseb. [Hist. Eccl. Lib. II. c. 14. The Greek, however, is far less grandiloquent: Τὸν καρτερόν καὶ μέγαν τῶν ἀποστόλων, τὸν ἀρετῆς ἕνεκα τῶν λοιπῶν ἀπάντων προήγορον, Πέτρον, κ. τ. λ.]

<sup>2</sup> De Sacerdotio, [Lib. II. c. 1, ἵνα τὰ πρόβατα κτήσῃται ταῦτα, ἃ τῷ Πέτρῳ καὶ τοῖς μετ' ἐκεῖνον ἐνεχείρισεν].

ancient Church, as of great caution and use in this controversy. The grounds are known to be such as these, because Rome was the imperial city, because the Church of Rome was then most famous for the Christian faith, because she was the most noted seat of true tradition, because her Bishops were most eminent for piety, learning, and a charitable care for other Churches; and lastly, perhaps, because Saint Peter had been Bishop there his memory might deflect some honour, at least by way of motive, on the Bishop of Rome;—as the Council of Sardica moveth<sup>1</sup>, ‘If it please you, let us honour the memory of Saint Peter:’ but though the memory of Saint Peter might be used as an argument of the Pope’s priority, it is far from concluding his inheriting Saint Peter’s Primacy; though he had honour by being his successor.

(2) It further follows, that the Primacy of that see heretofore was not *jure Divino*, but from the civility of the world, and the courtesy of princes, and the gratitude of the Church.

Inference  
II.  
Primacy  
not Jure  
Divino.

Indeed, this Primacy was not an office, but an honour; and that honour was not given by any solemn grant of God or man, but seems to have gained upon the world insensibly, and by degrees, till it became a custom, as the Council of Nice<sup>2</sup> intimates.

(3) Lastly, it follows that this Primacy was not derived to the succeeding Bishops of Rome; it standing upon such temporary grounds as too soon failed: for when that which was the cause of it ceased, no wonder if the honour was denied. When the faith of the see was turned to infidelity, and blasphemy, and

Inference  
III.  
Not in  
succeeding  
Popes.

<sup>1</sup> [See above, p. 63.]

<sup>2</sup> [See above, p. 34.]



atheism, and sorcery, (as their own men say); when their piety was turned into such villanies of pride, simony, uncleanness, and monstrous lewdness, (as themselves report); when their care and vigilance was turned into methods of wasting and destroying the Churches<sup>1</sup>; when the *exordium unitatis* was turned into a head of Schism and division; no wonder that the Primacy and honour of the See of Rome, which was raised and stood upon the contrary grounds, was at length discovered to be groundless, and the former Primacy which stood on courtesy, and was exalted by an usurped supremacy and tyranny, was thrown off by us, and our ancient liberty is repossessed, and the glory of Rome is so far departed.

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## SECTION II.

WHETHER THE POPE BE SUPREME AS SUCCESSOR OF PETER BY DIVINE RIGHT?—NEG. NOT PRIMATE AS SUCH—PETER HIMSELF NOT SUPREME—POPE DID NOT SUCCEED HIM AT ALL.

THIS is the last refuge, and the meaning of it is, that our Saviour made Saint Peter universal Monarch of the whole Church, and intended the Pope of Rome should succeed him in that power.

All possible defence herein hath been prevented; for if the Bishop of Rome did not succeed him in his Primacy, how should he succeed him in his Supremacy? Again, if Saint Peter had no such Supremacy,

<sup>1</sup> [See a collection of papal enormities in Rainolds' 'Conference with Hart,' pp. 275, et seqq.]

as hath appeared, how should the Pope receive it as his successor? Besides, whatever power Saint Peter had, it doth no way appear that the Pope should succeed him in it; much less in our Saviour's intention, or by Divine right.

However, let us try their colours. Will they maintain it, that Christ appointed the Bishops of Rome to succeed St Peter in so great a power? The claim is considerable; the whole world in all ages is concerned; none could give this privilege of succession but the giver of the power. But where did He do it? Where or how, when or by whom, was it expressed? Should not the grant of so great an empire, wherein all are so highly concerned, especially when it is disputed and pretended, be produced?

Instead of plain proof we are put off with obscure and vanishing shadows, such as follow.

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### SECTION III.

#### ARGUMENT I.—PETER ASSIGNED IT.

**I**NSTEAD of proving that Christ did, they say that St Peter, when he died, bestowed the Supremacy upon the Bishops of Rome, in words to this effect, as Hart<sup>1</sup> expresseth them: "I ordain this Clement to be your Bishop, unto whom alone I commit the chair of my preaching and doctrine; and I give to him that

<sup>1</sup> ['Conference with Rainolds,' p. 220, on the authority of the Epistle 'ad Jacobum, Fratrem Domini.']

power of binding and loosing, which Christ gave to me.”

Answer.

And what then? ‘I ordain’—then he had it not, as Peter’s successor by Divine right, but as a gift and legacy of St Peter. (2) ‘This Clement’—a foul blot to the story; for it is plain in records<sup>1</sup>, that Linus continued Bishop eleven years after Peter’s death, and Cletus twelve after Linus, before Clemens had the chair. ‘Your Bishop’—that is the Bishop of Rome; what is this to the Universal Bishop? ‘And I give to him’—what? The chair of preaching and doctrine, and the power of the keys, viz. no more than is given to every Bishop at his Ordination. Now it is observable, though this pitiful story signify just nothing, yet what strange arts and stretches of invention are forced to support it<sup>2</sup>, and to render it possible, though all in vain.

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#### SECTION IV.

##### ARGUMENT II.—BISHOP OF ANTIOCH DID NOT SUCCEED—ERGO, OF ROME.

Argu-  
ment II.

**B**ELLARMINE<sup>3</sup> argues more subtilly, yet supposeth more strongly than he argues. Pontifex Romanus, ‘the High-priest of Rome,’ succeeded St Peter (dying at Rome) in his whole dignity and power; for there was never any that affirmed himself to be St Peter’s successor any way, or was accounted for

<sup>1</sup> [See Bp. Pearson’s ‘Dissertation;’ Minor Theological Works, Vol. II. pp. 436, et seqq.]

<sup>2</sup> Vid. Rainolds and Hart, [pp. 220, et seqq.]

<sup>3</sup> [De Romano Pontif. Lib. II. cap. iv.]

such, besides the Bishop of Rome and the Bishop of Antioch ; but the Bishop of Antioch did not succeed St Peter, in *pontificatu Ecclesiæ totius* ; therefore the Bishop of Rome did.

(1) He supposeth that St Peter's successor succeeded him in all dignity and power, but it is acknowledged by his friends, there was no succession of the apostolic, but only of the episcopal power. (2) If so, then Linus, Cletus, and Clemens, should have had dignity and power over John and the other Apostles (who lived after St Peter), as their Pastor and Head, according to their own way of arguing. (3) Besides, St Peter had power of casting out of devils, &c., and doing such miracles as the Pope pretends not to do. Lastly, what if the Pope affirms that he is, and others account him to be, St Peter's successor? The point requires the truth thereof to be shewn, *jure Divino*.

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## SECTION V.

ARGUMENT III.—ST. PETER DIED AT ROME—THEN DE FACTO, NOT DE FIDE.

BELLARMINE saith<sup>1</sup>, the succession itself is *jure Divino*, but the *ratio successionis* arose out of the fact of St Peter planting his see and dying at Rome, and not from Christ's first institution. He then doubts whether this succession be so according to his own position, (*licet fortè non sit de jure Divino*); but neither shews the succession itself to be Christ's institution at all, nor proves the tradition of Peter, on which he

Argument III.

<sup>1</sup> [De Romano Pontif. Lib. II. c. xii.]



seems to lay his stress; and we may guess why he doth not.

Answer.

In short, if the succession of the Bishop of Rome be of Faith, it is so either in *jure* or in *facto*; but neither is proved. Yea the contrary is acknowledged by Bellarmine himself. Not in right, because that is not *certo Divinum*, as Bellarmine confesseth: nor in fact, because before Peter's death, which introduced no change in the Faith, as Bellarmine also confesseth, this Succession was not of Faith.

Indeed it is well observed<sup>1</sup>, that the whole weight of Bellarmine's reasoning is founded in fact; then where is the *jus Divinum*? (2) In such fact of Peter as is not found in Scripture, or can be proved any way. (3) In such fact as cannot constitute a right either Divine or human. (4) In such fact as cannot conclude a right, in the sense of the most learned Romanists<sup>2</sup>; who contend, that the union of the bishopric of the City and the World, is only *per accidens*, and not *jure Divino, vel imperio Christi*.

But when the uncertainty of that fact, on which the right of so great and vast an empire is raised, is considered, what further answer can be expected? For is it not uncertain whether Peter were ever at Rome<sup>3</sup>? Or whether he was ever Bishop of Rome? Or whether he died at Rome? Or whether Christ called him back that he might die at Rome? Or

<sup>1</sup> [The allusion has not been discovered.]

<sup>2</sup> Scotus, in Lib. iv. Sentent. Distinct. xxiv.; Cordubensis [Antonius], [Tractat. Venet. 1569], Lib. iv. Quæst. i.; Cajetan, de Primat. Papæ, c. xxiii.; Bannes, in II. [i. e. in Partem secundam S. Thomæ.] Quæst. i. § 10. [Duaci, 1615.]

<sup>3</sup> [These points are discussed by Rainolds and Hart, 'Conference,' pp. 217, et seqq.]

whether he ordained Clement to succeed him at Rome? Indeed there is little else certain about the matter but this, that Peter did not derive to him that succeeded him, and his successors for ever, his whole dignity and power, and a greater authority than he had himself, *jure Divino*.

But if we allow all the uncertainties mentioned to be most certain, we need not fear to look the argument, with all its attendants and strength, in the face. Peter was Bishop of Rome, was warned by Christ immediately to place his seat at Rome, to stay and die at Rome, and before he died, he appointed one to succeed him in his bishopric at Rome; therefore the Bishops of Rome successively are Universal Pastors, and have Supreme Power over the whole Church, *jure Divino*. Is not the cause rendered suspicious by such arguments? and indeed desperate, that needs them, and has no better?

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## SECTION VI.

### ARGUMENT IV.—COUNCILS—POPES—FATHERS.

**B**ELLARMINE<sup>1</sup> tells us boldly that the Primacy Argument of the Roman High-priest is proved out of the Councils, the testimonies of Popes, by the consent of the Fathers, both Greek and Latin.

These great words are no arguments; the matter Answer. hath been examined under all these topics, and not one of them proves a Supremacy of power over the

<sup>1</sup> [De Romano Pontif. Lib. II. c. 13.]

whole Church to have been anciently in the Pope, much less from the beginning and *jure Divino*; especially when St Augustine and the Greek Fathers directly opposed it as an usurpation<sup>1</sup>.

A primacy of order is not in the question, though that also was obtained by the ancient Popes only *more humano*, and on temporary reasons, as hath before appeared. But as a learned man saith, the Primacy of a monarchical power in the Bishop of Rome was never affirmed by any ancient Council, or by any one of the ancient Fathers, or so much as dreamt of; and at what time afterwards the Pope took upon him to be a monarch, it should be inquired *quo jure*, 'by what right' he did so,—whether by Divine, human, or altogether by his own, *i.e.* no right.

## SECTION VII.

### ARGUMENT V.—THE PREVENTION OF SCHISM— ST. JEROME.

Argument v. **A** PRIMACY was given to Peter for preventing Schism,' as St Hierome saith<sup>2</sup>. Now hence they urge that a mere precedency of order is not sufficient for that.

Answer. The inference is not Divine; it is not St Hierome's; it is only for St Peter, and reacheth not the Pope. Besides it plainly argues a mistake of St Jerome's assertion, and would force him to a contradiction. For immediately before, he teacheth that the Church is

<sup>1</sup> [See above, p. 77.]

<sup>2</sup> [Adv. Jovinian. quoted above, p. 257.]

built equally on all the Apostles, and that they all receive the keys, and that the firmness of the Church is equally grounded on them all; so that what Primacy he meant, it consisted with equality, as monarchy cannot.

Therefore St Hierome more plainly in another place affirms<sup>1</sup>, that ‘wherever there is a Bishop, whether at Rome, or at Eugubium, *ejusdem meriti est, ejusdem est et sacerdotii.*’ Again, ‘it is neither riches nor poverty which makes Bishops higher or lower,’ but ‘they are all the Apostles’ successors.’

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## SECTION VIII.

### ARGUMENT VI.—CHURCH COMMITTED TO HIM.

ST Chrysostom saith<sup>2</sup>, ‘the care of the Church was committed, as to Peter so to his Successors;’ <sup>Argument vi.</sup> therefore the Bishops of Rome, being Successors of St Peter in that chair, have the care, and consequently the power committed to them, which was committed to Peter.

True; the care and power of a Bishop, not of an <sup>Answer.</sup> Apostle or Universal Monarch; the commission of all other Bishops carried care and power also.

But indeed this place proves not so much as that the Pope is Peter’s Successor in either, much less *jure Divino* (which was the thing to be proved): καὶ τοῖς

<sup>1</sup> Epist. ad Evagrium, [LXXXV.]

<sup>2</sup> [De Sacerdotio, Lib. II. c. 1.]



μετ' ἐκεῖνον, 'those which followed' in time and place, not otherwise ;—as before<sup>1</sup>.

## SECTION IX.

ARGUMENT VII.—'ONE CHAIR'—OPTATUS—CYPRIAN—  
AMBROSE—ACACIUS.

Argu-  
ment VII.

**T**HERE is one chair' (saith Optatus<sup>2</sup>) *quæ est prima de dotibus*, in which Peter sat first; Linus succeeded him, and Clemens Linus.'

Optatus.

Optatus speaks nothing against the title or power of other chairs, or for the pre-eminence of power in this one chair above the rest.

He intended not to exclude the other apostolical seats from the honour or power of chairs; for he saith as well that James sat at Jerusalem, and John at Ephesus, as that Peter sat at Rome,—which Tertullian calls '*apostolicas cathedras*, all presiding in their own places<sup>3</sup>.'

It is most evident that Optatus calls the chair of Peter one, not because of any superiority over other apostolical chairs, but because of the unity of the Catholic Church, in opposition to the Donatists, who set up another chair in opposition (*altare contra altare*) to the Catholic Church.

Bellarmino<sup>4</sup> well observes, that 'Optatus followed

<sup>1</sup> [Sect. I.]

<sup>2</sup> [De Schismat. Donatist. Lib. II. c. 2. On this passage and the context, see Mr. Palmer's 'Jurisdiction of the British Episcopacy,' pp. 217, et seqq.]

<sup>3</sup> De Præscript. Hæret. c. xxxvi.

<sup>4</sup> [De Romano Pontif. Lib. II. c. xvi.]

the doctrine of St Cyprian, who said, there is but one Cyprian. Church, one chair,' &c. And out of St Cyprian himself, his meaning therein is manifest to be no other than a specific, not numerical unity. He tells us plainly in the same place<sup>1</sup>, 'that the other Apostles were the same with Peter, equal in honour and power.' He teacheth that 'the one bishopric is dispersed...consisting of the unanimous multitude of many Bishops<sup>2</sup>; that the bishopric is but one, a portion whereof is wholly and fully held of every Bishop<sup>3</sup>.' So 'there ought to be but one Bishop in the Catholic Church<sup>4</sup>,' *i. e.* all Bishops ought to be one in faith and fellowship.

But is it not prodigious that men should build the Pope's dominion upon the doctrine of Saint Cyprian and Optatus? The latter tells us roundly, that 'who-soever is without (the communion of) seven Churches of Asia is an alien, in effect, calling the pope infidel<sup>5</sup>; and St Cyprian is well known to have always styled pope Cornelius 'Brother<sup>6</sup>;' to have severely censured his successor Pope Stephen, contradicting his decrees, opposing the Roman Councils, disclaiming the

<sup>1</sup> [i. e. De Unitate Eccl. § 3.]

<sup>2</sup> [Ep. LV. § 16: "Cum sit a Christo una ecclesia per totum mundum in multa membra divisa, item episcopatus unus episcoporum multorum concordi numerositate diffusus."]

<sup>3</sup> [De Unitate Eccl. § 4.]

<sup>4</sup> Epist. Lib. III. ep. XI. [al. XLVI. § 2. For St. Cyprian's own explanation, see Epist. XL. § 4.]

<sup>5</sup> [i. e. on the Romish hypothesis of unity. Dr. Hammond ('Answer to Schism Disarmed,' Chap. v. sect x.) shews the true meaning of this language.]

<sup>6</sup> [e. g. Epist. LV. The Roman clergy style Cyprian 'benedictus papa,' ep. II.]

Pope's power of appeals, and contemning his excommunications<sup>1</sup>.

A Council in Africk under St Cyprian, as another wherein St Augustine sate, rejected and condemned the jurisdiction of the Pope over them, as is frequently observed<sup>2</sup>; and why do men endeavour to blind the world with a few words of these great Fathers, contrary to the known language of their actions and course of life?

The sense of the words may be disputed, but when it came to a trial, their deeds are known to have shewed their mind beyond all dispute.

Ambrose.

For instance<sup>3</sup>, Ambrose calls Pope Damasus 'Rector of the Church;' yet it is known that he would never yield his senses to the law of Rome about Easter—for which the Church of Milan was called the 'Church of Ambrose' 670 years after his death, when the clergy of Milan withstood the legate of Nicholas II., saying, 'the Church of Ambrose had been always free, and never yet subject to the laws of the Pope of Rome;' as Baronius notes<sup>4</sup>.

Many other airy titles and courtly addresses, given to the Pope in the writings of the Fathers, we have observed before to carry some colour for a primacy of order; but no wise man can imagine that they are an evidence or ground, much less a formal grant, of

<sup>1</sup> [On these subjects, see the Rev. G. A. Poole's, 'Testimony of St. Cyprian against Rome.']

<sup>2</sup> [See above, pp. 76, 77.]

<sup>3</sup> [This is one of Bellarmine's examples; *de Romano Pontif. Lib. II. c. xvi.*]

<sup>4</sup> Ad an. 1059, XLVI. [See also Twysden's *Hist. Vind.* p. 14, note 6, new ed.]

universal dominion : seeing scarce one of them but is in some of the Fathers (and usually by the same Fathers) given as well to the other Apostles, and to other Bishops, as to Peter and the Pope ; and so unfortunate is Bellarmine in his instances, that usually the very same place carries its confutation.

It is strange, that so great a wit<sup>1</sup> should so egregiously bewray itself, to bring in Acacius, Bishop of Constantinople, submitting, as it were, the Eastern Church to the See of Rome, because in his Epistle to Pope Simplicius he tells him, ‘ he hath the care of all the Churches :’ for what one Bishop of those times could have been worse pitched upon for his purpose ? Who ever opposed himself more fiercely against the jurisdiction of the Pope than Acacius ? Who more boldly rejected his commands than this Patriarch ? or stands in greater opposition to Rome<sup>2</sup> in all history ? Yet Acacius must be the instance of an Eastern Patriarch’s recognition of the see of Rome. *Acacius, phrenesi quadam abreptus* (as Baronius<sup>3</sup> hath it) *adversus Romanum Pontificem violentus insurgit*—Acacius, that received<sup>4</sup> those whom the Pope damned—Acacius, excommunicated<sup>5</sup> by the Pope, and the very head of the Eastern schism ; this is the man that must witness the Pope’s supremacy against himself, and his own and his Church’s famous cause : and this, by saying in a letter to the Pope himself, that he had the care of all Churches—a title given to Saint Paul<sup>6</sup> in the days of Peter—to Athanasius<sup>7</sup>, in the time of

<sup>1</sup> [De Romano Pontif. Lib. II. c. xv.]

<sup>2</sup> [See above, p. 92.]

<sup>4</sup> Ad an. 483, LXXVIII.

<sup>6</sup> [2 Cor. xi. 28.]

<sup>3</sup> Ad an. 478, VI.

<sup>5</sup> Ad an. 484. XVII.

<sup>7</sup> [See above, p. 94, note 3.]



Pope Julius—to the Bishops of France<sup>1</sup>, in the time of Pope Eleutherius—and to Zecharias<sup>2</sup> an Archbishop, by Pope John I.;—but conferred no monarchy upon any of them.

I do not remember that I have yet mentioned the titles of *Summus Pontifex* and *Pontifex Maximus*, which are also said<sup>3</sup> to carry the Pope's supremacy in them; but it is impossible any wise man can think so. Azorius<sup>4</sup>, a Jesuit, acknowledgeth these terms may have a negative sense only, and Baronius<sup>5</sup> saith, they do admit equality. In this sense, Pope Clemens<sup>6</sup> called Saint James 'Bishop of Bishops;' and Pope Leo<sup>7</sup> styled all Bishops '*Summos Pontifices*;' and the Bishops of the East write to the Patriarch of Constantinople under the title of 'Universal Patriarch,' and call themselves 'chief priests'<sup>8</sup>.

<sup>1</sup> [Epist. Decretal. Eleuther. apud Labb. Concil. Tom. i. 590, D.]

<sup>2</sup> [Apud Labb. Concil. Tom. iv. 1605, B. For other examples of this universal care, see Bingham, Book II. Chap. v. sect. I.]

<sup>3</sup> [Vid. Bellarmin. de Romano Pontif. Lib. II. c. xxxi].

<sup>4</sup> [The reference is to his Instit. Moral. Part. II. Lib. IV. c. 4.]

<sup>5</sup> [Annal. Eccl. ad an. 397, L, where several instances are given.]

<sup>6</sup> [In the title of the pseudo-epistle 'ad Jacobum Fratrem Domini.']

<sup>7</sup> Ep. LXXXVIII.: [Opp. p. 159, col. 1. A; ed. Paris. 1639.]

<sup>8</sup> Epist. ad Tarasium. [The title of this letter, written A.D. 787, is as follows: Τῷ ἀγιωτάτῳ καὶ μακαριωτάτῳ κυρίῳ καὶ δεσπότῃ Ταρασίῳ, ἀρχιεπισκόπῳ Κωνσταντινουπόλεως καὶ οἰκουμενικῷ πατριάρχῃ, οἱ τῆς ἐφας ἀρχιερεῖς ἐν Κυρίῳ χαίρουν. Apud Labb. Concil. Tom. VII. 169.]

## SECTION X.

## THE CONCLUSION TOUCHING THE FATHERS.

REASONS WHY NO MORE OF THEM—A CHALLENGE TOUCHING THEM—NO CONSENT OF FATHERS IN THE POINT—EVIDENT IN GENERAL COUNCILS—REASONS OF IT—ROME'S CONTRADICTION OF FAITH—POPE'S SCHISM, PERJURY, &c.

I WAS almost tempted to have gone through with a particular examination of all the titles and phrases, which Bellarmine hath with too much vanity gathered out of the Fathers, both Greek and Latin, on behalf of the Pope's Supremacy; but considering they are most of them very frivolous and impertinent, and that I conceive I have not omitted any one that can be soberly thought material, and that all of them have been frequently answered by learned Protestants, and very few of them (so answered) thought fit to be replied to by our adversaries,—I thought it prudent to excuse that very needless exercise, and I hope none will account me blameworthy for it; but if any do so, I offer compensation by this humble challenge, upon mature deliberation:—

If any one or more places in any of the ancient Fathers, Greek or Latin, shall be chosen by any sober adversary, and argued from, as evidence of the Pope's Supremacy, as successor to Saint Peter, (God giving me life and health,) I shall appear and undertake the combat, with weapons extant in our English writers;—though they may not think that one or two, or more, passages out of single Fathers are sufficient to bear away the cause in so great a point; seeing they themselves will not suffer the testimony of many of

A Chal-  
lenge.

the same Fathers to carry it for us in a point of the least concernment.

In the mean time, I most confidently conclude, that the Pope's Supremacy hath not the consent of the primitive Fathers, as Bellarmine boasts, and that whatever he would have them say, they did not believe, and therefore not intend to say, that the Pope was absolute Monarch of the Catholic Church ; and consequently, that there was no such tradition in the primitive ages, either before or during the time of the first eight general Councils, is to me a demonstration, evident for these reasons :—

Reason I.

The first eight general Councils, being all called and convened by the authority of Emperors, stand upon record as a notable monument of the former ages of the Catholic Church, in prejudice to the papal Monarch, as Saint Peter's successor, in those times. "The first eight general Councils (saith Cusanus<sup>1</sup>) were gathered by authority of Emperors, and not of Popes; insomuch that Pope Leo was glad to entreat the Emperor Theodosius the younger for the gathering of a Council in Italy, and could not obtain it, (*non obtinuit*)."

Reason II.

Every one of these Councils opposed this pretended Monarchy of the Pope ; the first, by stating the limits of the Roman Diocese, as well as other Patriarchates ; the second, by concluding the Roman Primacy not to be grounded upon Divine authority, and setting up a Patriarch of Constantinople, against the Pope's will ; the third, by inhibiting any Bishop whatsoever to ordain Bishops within the Isle of Cyprus ; the fourth, by advancing the Bishop of Con-

<sup>1</sup> De Concordant. Cathol. Lib. II. c. xxv.

stantinople to equal privileges with the Bishop of Rome, notwithstanding the Pope's earnest opposition against it; the fifth, in condemning the sentence of Pope Vigilius, although very vehement in the cause; the sixth and seventh, in condemning Pope Honorius of heresy; and the eighth and last, by imposing a Canon upon the Church of Rome, and challenging obedience thereunto<sup>1</sup>.

This must pass for the unquestionable sense of Reason III. the Catholic Church in those ages, viz. for the space of above 540 years together, from the first general Council of Nice; for our adversaries themselves style every one of the general Councils the Catholic Church; and what was their belief was the faith of the whole Church; and what was their belief hath appeared, viz., that the Pope had not absolute power over the Church, *jure Divino*,—an opinion abhorred by their contrary sentences and practices.

It is observed by a learned man<sup>2</sup>, that the Fathers Reason IV. which flourished in all those eight Councils were in number 2280. How few friends had the Pope left to equal and countermand them! Or what authority had they to do it? Yea, name one eminent Father, either Greek or Latin, that you count a friend to the Pope, and in those ages, whose name we cannot shew you in one of those Councils. If so, 'Hear the Church;' the judgment of single Fathers is not to be received, against their joint sentences and acts in Councils: it is your own Law. Now where is the argument for the

<sup>1</sup> [This, however, was the Council in Trullo; see above, p. 230.]

<sup>2</sup> [i. e. Bp. Morton, Grand Imposture, chap. viii. sect. 8; ed. Lond. 1628.]



Pope's authority from the Fathers? They are not to be believed against Councils; they spake their sense in this very point, as you have heard, in the Councils; and in all the Councils rejected and condemned it.

Reason v.

Rome's  
contradiction of  
Faith.

The belief of these eight general Councils is the professed faith of the Roman Church<sup>1</sup>. Therefore, the Roman Church hath been involved and entangled, at least ever since the Council of Trent, in the confusion and contradiction of faith; and that in points necessary to salvation.

For the Roman Church holds it necessary to salvation, to believe all the eight general Councils, as the very faith of the Catholic Church; and we have found all these Councils have one way or other declared plainly against the Pope's Supremacy; and yet the same Church holds it necessary to salvation to believe the contrary, by the Council of Trent; viz. that the Pope is supreme Bishop and absolute Monarch of the Catholic Church.

Rome's  
Heresy.

Some adversaries would deal more severely with the Church of Rome upon this point, and charge her with heresy in this, as well as in many other articles: for there is a repugnancy in the Roman faith, that seems to infer no less than heresy, in one way or other. He that believes the article of the Pope's Supremacy, denies, in effect, the first eight general Councils, at least in that point; and that is heresy. And he that believes the Council of Trent, believes the article of the Pope's Supremacy: therefore, he that believes the Council of Trent does not believe the first eight general Councils, and is guilty of heresy.

<sup>1</sup> [See Gratian, Decret., Part I. Distinct. xvi. c. viii.]

Again, he that believes that the Pope is not supreme, denies the Council of Trent and the faith of the present Church,—and that is heresy : and he that believes the first eight general Councils, believes that the Pope is not Supreme ; therefore, he denies the Council of Trent and the faith of the present Church, and is an heretic, with a witness.

It is well if the argument conclude here, and extend not its consequences to the charge of infidelity, as well as heresy, upon the present Roman Church ; seeing this repugnancy in the Roman faith seems to destroy it altogether : for

He that believes the Pope's Supremacy, in the sense of the modern Church of Rome, denies the faith of the ancient Church in that point ; and he that believes it not, denies the faith of the present Church ; and the present Church of Rome, that professeth both, believes neither. These contrary faiths put together, like two contrary salts, mutually destroy one another. He that believes that, doth not believe this ; he that believes this, doth not believe that. Therefore he that professeth to believe both, doth plainly profess he believes neither.

Load not others with the crimes of heresy and infidelity, but 'pull the beams out of your own eye.'

But the charge falls heavier upon the head of the present Roman Church : for not only heresy and infidelity, but schism, and the foulest that ever the Church groaned under, and such as the greatest wit can hardly distinguish from apostacy, and all aggravated with the horrid crime of direct and self-condemning perjury, fasten themselves to his Holiness's chair, from the very constitution of the Papacy itself.

Infidelity.

Pope's  
Schism  
and Per-  
jury.

For the Pope, as such, professeth to believe and sweareth to govern the Church according to the Canons of the first eight general Councils; yet openly claims and professedly practiseth a power condemned by them all.

Thus (*quatenus* Pope) he stands guilty of separation from the ancient Church; and, as head of a new and strange Church, draws the body of his faction after him into the same schism; in flat contradiction to the essential profession, both of the ancient and present Church of Rome, and to that solemn oath, by which also the Pope, as Pope, binds himself at his inauguration to maintain and communicate with.

Hence, not only usurpation, innovations, and tyranny, are the fruits of his pride, ambition, and perjury, but if possible, the guilt is made more scarlet by his cruelty to souls, intended by his formal curses of excommunications, against all that own not his usurped authority, viz. the primitive Churches, the first eight general Councils, all the Fathers of the Latin and Greek Churches for many hundred years, the greater part of the present Catholic Church, and even the apostles of Christ, and our Lord himself.

THE SUM OF THE WHOLE MATTER—A TOUCH OF ANOTHER  
TREATISE—THE MATERIAL CAUSE OF SEPARATION.

THE sum of our defence is this: If the Pope have no right to govern the Church of England, as our apostle or patriarch, or as infallible; if his supremacy over us was never grounded in, but ever renounced by, our laws and customs, and the very constitution of the kingdom; if his supremacy be neither of civil, ecclesiastical, or Divine right; if it be disowned by

the Scriptures and Fathers, and condemned by the ancient Councils, the essential profession of the present Roman Church, and the solemn oaths of the Bishops of Rome themselves:—if, I say, all be certainly so as hath appeared, what reason remains for the necessity of the Church of England's readmission of, or submission to, the papal authority, usurped contrary to all this? Or what reason is left to charge us with Schism for rejecting it?

But it remains to be shown, that as the claim of the Pope's authority in England cannot be allowed, so there is cause enough otherwise of our denial of obedience actually to it, from reasons inherent in the usurpation itself, and the nature of many things required by his laws.

This is the second branch of our defence, proposed at first to be the subject of another treatise.

For who can think it necessary to communicate with error, heresy, schism, infidelity, and apostacy; to conspire in damning the primitive Church, the ancient Fathers, general Councils, and the better and greater part of the Christian world at this day? or willingly at least, to return to the infinite superstitions and idolatries, which we have escaped, and from which our blessed ancestors (through the infinite mercy and providence of God) wonderfully delivered us?

Yet these horrid things cannot be avoided, if we shall again submit ourselves, and enslave our nation to the pretended powers and laws of Rome;—from which, *Libera nos, Domine.*



## THE POSTSCRIPT.

OBJECTIONS TOUCHING THE FIRST GENERAL  
COUNCILS, AND OUR ARGUMENTS FROM  
THEM, ANSWERED MORE FULLY.

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### SECTION I.

THE ARGUMENT FROM COUNCILS DRAWN UP, AND  
CONCLUSIVE OF THE FATHERS, AND THE  
CATHOLIC CHURCH.

**I**N this Treatise I have considered the Canons of the ancient Councils two ways, as evidence and law. As evidence, they give us the undoubted sense and faith, both of the Catholic Church, and of single Fathers in those times; and nothing can be said against that. As law, we have plainly found that none of them confer the supremacy pleaded for, but every one of them in special Canons condemn it.

Now this latter is so great a proof of the former, that it admits of no possible reply; except circumstances, on the bye, shall be set in opposition and contradiction to the plain text in the body of the law.

And if neither the Church nor single Fathers had any such faith of the Pope's supremacy, during the first General Councils, then neither did they believe it from the beginning: for if it had been the faith of the Church before, the Councils would not have rejected it; and indeed the very form and method of

proceeding in those ancient Councils is sufficient evidence that it was not.

However, why is it not shown by some colour of argument at least, that the Church did believe the Pope's supremacy before the time of those Councils? Why do we not hear of some one single Father that declared so much before the Council of Nice, or rather before the Canons of the Apostles? Or why is there no notice taken of such a right, or so much as pretence in the Pope, either by those Canons or one single Father before that time?

Indeed our authors<sup>1</sup> find very shrewd evidence of the contrary.

“Why,” saith Casaubon<sup>2</sup> “was Dionysius so utterly Dionysius. silent, as to the universal head of the Church reigning at Rome, if at that time there had been any such monarch there? especially, seeing he professedly wrote of the ecclesiastical hierarchy and government.”

The like is observable in Ignatius, the most Ignatius. ancient martyr and bishop of Antioch, who in his Epistles frequently sets forth the order ecclesiastical and dignity of Bishops upon sundry occasions, but never mentions the monarchy of St Peter or the Roman Pope. The writing to the Church of Trallis ‘to obey Bishops as Apostles,’ instanceth equally in Timothy, St Paul’s scholar, as in Anacletus, successor to St Peter<sup>3</sup>.

<sup>1</sup> [The facts in this ‘Postscript’ are mainly derived from Bp. Morton’s ‘Grand Imposture of the (now) Church of Rome,’ chap. vii. viii.]

<sup>2</sup> Exercitation. xvi. in Baron. ad an. 34. ccix.

<sup>3</sup> [This passage does not occur in the genuine Epistle of Ignatius. It is cited at length in Bishop Morton’s ‘Grand Imposture,’ p. 100; ed. Lond. 1628.]

The prudence and fidelity of these two prime Fathers are much stained, if there were then an universal Bishop over the whole Church ; that professedly writing of the Ecclesiastical Order, they should so neglect him, as not to mention obedience due to him ;—and indeed of St Paul<sup>1</sup> himself, who gives us an enumeration of the primitive ministry, on set purpose, both in the ordinary and extraordinary kinds of it, viz. ‘some apostles, some prophets, some evangelists, some pastors and teachers,’ and takes no notice of the universal Bishop. But we hence conclude rather there was no such thing.

For who would give an account of the government of a city, army, or kingdom ; and say nothing of the mayor, general, or prince ? This surpasseth the fancy of prejudice itself.

Irenæus. Irenæus is too ancient for the infallible chair, and therefore refers us, in the point of tradition, as well to Polycarp in the east, as to Linus, bishop of Rome, in the west<sup>2</sup>.

Tertullian. Tertullian adviseth to consult the mother-churches immediately founded by the Apostles, and names Ephesus and Corinth<sup>3</sup> as well as Rome, and Polycarpus ordained by St John, as well as Clemens by Peter<sup>4</sup>. Upon which their own Rhenanus notes, that ‘Tertullian doth not confine the Catholic and Apostolic Church to one place<sup>5</sup>,’ for which freedom of truth, the ‘*Index Expurgatorius*’ corrected him<sup>6</sup>,—but Tertullian is Tertullian still.

<sup>1</sup> [Eph. iv. 11.]

<sup>2</sup> [Adv. Hæres.] Lib. II. c. iii.

<sup>3</sup> De Præscrip. Hæret. [c. xxxvi.]

<sup>4</sup> [Ibid. c. xxxii.]

<sup>5</sup> [Beatus Rhenanus, Argument. in loc. ed. Basil. 1521.]

<sup>6</sup> [i. e. Index Expurgator. Belgic. p. 78.]

These things cannot consist, either with their own knowledge of an universal Bishop, or the Church's at that time; therefore the Church of Egypt held the Catholic faith with the chief priests, naming Anatolius of Constantinople, Basil of Antioch, Juvenal of Jerusalem, as well as Leo, Bishop of Rome<sup>1</sup>. And 'it is decreed (saith the Church<sup>2</sup> of Carthage) we consult our brethren, Siricius (Bishop of Rome) and Simplicianus' (Bishop of Milan).

Hence, it follows, that the Church and the Fathers before the Councils had no knowledge of the Pope's supremacy, and we have a plain answer to all obscure passages in those Fathers to the contrary.

Besides, whatever private opinion any of them might seem to intimate on the Pope's behalf before, it is certain it can have no authority against the sense and sentences of General Councils, which soon after determined against him, as hath appeared in every one of them, in so express and indisputable terms, in the very body of the Canons, that it is beyond all possible hopes to support their cause from any circumstantial argument touching those Councils. Yet these also shall now be considered in their order.

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## SECTION II.

### OBJECTIONS TOUCHING THE COUNCIL OF NICE ANSWERED.

**L**ET us begin with the Council of Nice, consisting of three hundred and eighteen Bishops, which is First General Council.

<sup>1</sup> Binius, inter Epist. Illustr. Person. Concil. [Tom. II.] p. 147.

<sup>2</sup> Concil. Carthag. III. can. XLVIII.: [Labbe, Tom. II. 1177, c.]



found so plain in two special Canons<sup>1</sup>—the one forbidding appeals, and the other limiting the jurisdiction of the provinces according to custom—against the papal Supremacy, that one would think nothing could be objected. But Bellarmine will say something that was never said before.

Objection I.

He saith<sup>2</sup>, ‘the Bishop of Alexandria should have those provinces, because the Bishop of Rome was accustomed to permit him so to do.’

Answer.

We have given full answer to this before, but a learned Prelate<sup>3</sup> of ours hath rendered it so senseless and shameless a gloss, in so many and evident instances, that I cannot forbear to give the sum of what he hath said, that it may further appear our greatest adversaries are out of their wits, when they pretend a fence against the Canons.

After the nonsense of it, he shews its impudence against the sunshine light of story and grammar; because it is so evident, that the words ‘because the Bishop of Rome hath the same custom,’ are words of comparison betwixt Alexandria and Rome, in point of ancient privilege, both from the words *ἐπειδὴ καὶ* and three editions, now entered into the body of the Councils by their own Binius—wherein the words are, ‘because the Church of Rome hath the like custom.’

‘Yet this were modesty, did they not know,’ saith he<sup>4</sup>, ‘that the Council of Chalcedon did against the will of the Pope advance the prerogative of Constantinople, upon this ground of custom.’

<sup>1</sup> [See above, pp. 220, 221.]      <sup>2</sup> [De Rom. Pontif. Lib. II. c. xiii.]

<sup>3</sup> Bp. Morton, ‘Grand Imposture,’ pp. 130, et seqq. [Lond. 1628.]

<sup>4</sup> [p. 132.]

The matter is so plain, that their own Cardinal Cusanus<sup>1</sup> concludes thus: "We see how much the Bishop of Rome, by use and custom of subjectional obedience, hath got at this day beyond the ancient constitutions;" speaking of this very Council.

Bellarmino saith<sup>2</sup>, 'the beginning of that Canon in the vulgar books is thus, *Ecclesia Romana semper habet primum, mos autem perduret.*' Objection II.

The answer is: it is shameful to prefer one vulgar book before all other Greek or Latin copies, and before the book of the Pope's Decrees, not in the Canons set out at Paris, A.D. 1559, nor the editions sent by two Patriarchs, on purpose to give satisfaction in this cause,—which Bellarmine himself acknowledgeth<sup>3</sup>. In none of all which the word 'Primacy' is to be found, and consequently is foisted into that vulgar book. But what if it were? The bare Primacy is not disputed in the sense given of it by the Council of Chalcedon<sup>4</sup>. 'It behoves that the Archbishop of Constantinople (new Rome) be dignified by the same Primacy of honour after Rome.' Answer.

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### SECTION III.

#### SECOND GENERAL COUNCIL—OBJECTIONS TOUCHING THE COUNCIL OF CONSTANTINOPLE ANSWERED.

**N**EXT to the Council of Constantinople, being the second General, let us hear what is objected. Second General Council.

<sup>1</sup> De Concordant. Cathol. Lib. II. c. xii.

<sup>2</sup> [De Romano Pontifice, Lib. II. c. xiii.]

<sup>3</sup> [Ibid. The whole of this answer is from Bp. Morton, as above, p. 134.]

<sup>4</sup> [Quoted above, p. 35.]

Objection I.

‘They say themselves,’ saith Bellarmine, ‘that they were gathered by the mandate of Pope Damasus<sup>1</sup>.’

Answers.

(1) What then? Suppose we should give the Pope, as the head of unity and order, the honour of convening general Councils, and of sitting as President in them,—what is this to the Supremacy of government? or what more than might be contained in the Primacy, that is not now disputed?

(2) But Bellarmine himself confesseth<sup>2</sup>, that those words are not in the Epistle of the Council, as all mandates used to be, but of certain Bishops that had been at the Council.

(3) It is recorded<sup>3</sup>, that the mandate from the Emperor gathered them together: the testimony will have credit before the Cardinal.

(4) Indeed the Pope sent letters, in order to the calling this Council, but far from mandatory; neither were they sent to the Eastern Bishops, to require, but to the Emperor Theodosius<sup>4</sup> by way of request, for the obtaining liberty to assemble a Synod. Did he command the Emperor? Why did not Pope Leo afterwards command a general Council in Italy nearer home, when he had intreated Theodosius for it with much importunity, and could not obtain<sup>5</sup>? The time

<sup>1</sup> [De Romano Pontif. Lib. II. c. xiii.]

<sup>2</sup> [Recognitiones, prefixed to his ‘Disputations,’ p. 5. c; ed. Colon. 1628.]

<sup>3</sup> [See Bp. Morton, as above, chap. VIII. sect. 3. Natalis Alexander (according to Palmer’s ‘Treatise on the Church,’ Part IV. chap. IX. sect. 2.) proves that this council was assembled without consulting Damasus.]

<sup>4</sup> Vid. Theodor. Hist. Eccl. Lib. v. c. ix.

<sup>5</sup> [Epist. Decretal. xxiv.; Opp. p. 114, col. 2, n; ed. Paris. 1637.]

was not ripe for the Pope's commands, either of Emperors or Synods.

It is also said, that 'the Council acknowledged that the Church of Rome was the head, and they the members, in their very first Epistle to Pope Damasus.' Objection 11.

(1) Bellarmine confesseth, this is not in their Epistle, but the Epistles of the Bishops, as before. Answers.

(2) If they had thus complimented the Pope, it could not be interpreted beyond the head of a Primate, and their union with him in the same faith. It is evident enough they intended nothing less than a supremacy of power in that head, or subjection of obedience in themselves as members.

(3) This is evident in the very inscription of the Epistle, which was not to Damasus only, but jointly to others; thus<sup>1</sup>, 'Most honourable and reverend brethren and colleagues.' And the Epistle itself is answerable: 'We declare ourselves to be your proper members'; but how? 'That you reigning, we may reign with you.'

(4) The sum is, there were at this time two Councils, convened by the same Emperor Theodosius both to one purpose, this at Constantinople, the other at Rome. That at Rome was but a particular, the other at Constantinople was ever esteemed a general Council. Who now can imagine that the general was subject to the particular, and in that sense, members? No, the particular Church of Rome then was not the Catholic; they humbly express their communion, 'We are all Christ's, who is not divided by us; by whose grace we will preserve entire the body of the Church.'

<sup>1</sup> [Vid. Concil. ed Labb. Tom. II. 959.]



They did συγχαίρειν (as their word was) their fellow-members, which they styled συλλειτουργοὶ, 'their fellow-workers.'

Objection 111.

'This second Canon against the Pope was never received by the Church of Rome, because *furtive relatus*<sup>1</sup>.'

Answer.

This is beyond all colour; for the Bishops of Rome opposed it as unfit, yet never said it was forged. Leo, Gelasius, Gregory, all took it very ill, but no one said it was false. The Pope's Legates also in the Council of Chalcedon made mention of this Canon by way of opposition, but yet never offered at its being surreptitious. But that which is *instar omnium* in this evidence is this; the Fathers of the Council of Chalcedon, in their letters to Pope Leo, say<sup>2</sup> that 'with mutual consent they confirmed the Canon of one hundred and fifty Bishops at Constantinople,' notwithstanding that his Bishops and Legates did dissent therefrom.—Now what if a few histories do not mention this Canon (which is all that remains to be said)? Socrates<sup>3</sup> and Sozomen<sup>4</sup> do; and two positive witnesses are better than twenty negative. Besides, though it is much against the hair of Rome, yet it is so evident, that Gratian<sup>5</sup> himself reports that Canon *verbatim*, as acted in that Council.

<sup>1</sup> [This is the objection of Binius from Baronius. Vid. Concil. ed. Labb. Tom. II. 971, D.]

<sup>2</sup> [Vid. Labbe, Tom. IV. 795, E; and for a fuller reply to the objection, Bp. Morton's 'Grand Imposture,' chap. VIII. sect. 3.]

<sup>3</sup> [Hist. Eccl. Lib. V. c. viii.]

<sup>4</sup> [Hist. Eccl. Lib. VII. c. ix.]

<sup>5</sup> [Decret. Part I. Distinct. XXII. c. ii. iii.]

SECTION IV.

OBJECTIONS AGAINST THE THIRD GENERAL COUNCIL  
AT EPHESUS ANSWERED.

IT is said by Bellarmine<sup>1</sup>, ‘that they confessed they Objection  
I.  
deposed Nestorius, by the command of Pope  
Cælestine.’

We answer, that command should appear in the Answers.  
Pope’s letters to them, but it doth not; the style of  
command was not then in use, for almost 200 years  
after Pope Gregory abhors it<sup>2</sup>.

(2) The words intended are these<sup>3</sup>: *Tum Eccle-  
siæ canonibus, tum epistola patris Cælestini et collegæ  
nostri compulsi*. They were compelled both by the  
Canons and by his letters; therefore they did it by  
the Pope’s command,—an excellent consequence from  
the part to the whole. Indeed they first shew, that  
they were satisfied both by his words and letters that  
he had deserved deposition; and then acknowledge  
they ought by the Canons, and no doubt would have  
deposed him, as well as John of Antioch shortly after,  
without the Pope’s authority; though they gave this  
compliment to Cælestine, for his seasonable advice,  
grounded upon the Canons and merits of the cause.

But ‘the Council,’ say they<sup>4</sup>, ‘durst not judge Objection  
II.  
John Bishop of Antioch;’ and that ‘they reserved  
him to the judgment of Pope Cælestine.’

<sup>1</sup> [De Romano Pontif. Lib. II. c. xiii.]

<sup>2</sup> Epist. Lib. VII. [Indict. I.], Ep. xxx.

<sup>3</sup> [Αναγκαίως κατεπειχθέντες ἀπὸ τε τῶν κανόνων, καὶ ἐκ τῆς ἐπιστο-  
λῆς τοῦ ἀγιωτάτου πατρὸς ἡμῶν καὶ συλλειτουργοῦ Κελεστίνου τοῦ ἐπισκό-  
που τῆς Ῥωμαίων ἐκκλησίας, κ. τ. λ. Evagr. Hist. Eccl. Lib. I. c. iv.]

<sup>4</sup> [In Bp. Morton’s ‘Grand Imposture,’ chap. VIII. sect. 4.]

Answer.

Strange! Bellarmine hence (1) denies matter of fact, mentioned in the very same paragraph. They ‘durst not depose this Patriarch,’ when they tell the Pope *in terminis* they had done it<sup>1</sup>: *Se illum prius excommunicâsse et omni potestate sacerdotali exuisse*. What is this but deposition? (2) He hence concludes a wonderful right, that the Pope is absolutely above a general Council;—a conclusion<sup>2</sup> denied by their own general Councils of Constance and Basle, ever disclaimed by the Doctors of Paris as contrary to antiquity, and which no Council since the beginning of Christianity did expressly decree, as Dr Stapleton himself confesseth; and therefore flies to silence as consent: *Quamvis nullo decreto publico, tamen tacito doctorum consensu definiti*<sup>3</sup>, etc.

But all this is evidently against both the sense of the Council declared in this point, and the reason of the Canon itself.

(1) They sufficiently declared their sense in the very Epistle alleged, where, speaking of the points constituted by the Pope, “We” (say they<sup>4</sup>) “have judged them to stand firm; wherefore we agree with you in one sentence, and do hold them (meaning Pelagius and others) to be deposed.”—So that instead of the Pope’s confirming acts of Councils, this Council confirms the acts of the Pope, whom indeed they plainly call their ‘colleague and fellow-worker’<sup>5</sup>.

<sup>1</sup> [...τεὼς αὐτοὺς ἀκοινωνήτους ποιήσαντες καὶ περιελόντες αὐτῶν πασῶν ἐξουσίαν ἱερατικὴν, κ.τ.λ. Apud Labb. Concil. Tom. III. 665, B.]

<sup>2</sup> [See above, pp. 233, 234.]

<sup>3</sup> De Doctrin. Princip. Lib. XIII. c. 15.

<sup>4</sup> [Apud Labb. ubi supra, 665, E.]

<sup>5</sup> [συλλειτουργῶ.]

(2) In the Acts or Canons—their reason and very words<sup>1</sup> establishing the Cyprian privilege, (as hath been shewn)—they bound and determine the power of Rome, as well as other Patriarchates; and certainly they therefore never intended to acknowledge the absolute Monarchy of the Pope over themselves, by reserving John of Antioch to Cœlestine, after they had deposed him; they declare their own end plainly enough, *Ut illius temeritatem animi lenitate vinceremus*, that is, as you have it in Binius<sup>2</sup>, Cœlestine might try whether by any reason he could bring him to a better mind, that so he might be received into favour again.’

## SECTION V.

OBJECTIONS TOUCHING THE FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH GENERAL COUNCILS; ESPECIALLY TOUCHING THE FOURTH GENERAL COUNCIL OF CHALCEDON, ANSWERED—CONCLUSION.

THIS Council styled the Pope<sup>3</sup> ‘Œcumenical Patri-  
arch,’ or Universal Bishop. Objection  
I.

(1) The title was not given by the Council itself, Answers.  
but by two deacons writing to the Council, and by Paschasinus, the Pope’s legate in the Council<sup>4</sup>.

<sup>1</sup> [The decree may be seen in Labbe, Tom. III. 802.]

<sup>2</sup> Tom. I. p. 806.

<sup>3</sup> [Bellarmin. de Romano Pontifice, Lib. II. c. xiii. His assertion is that this title occurs in Act. I. II. III. *passim*, which is very far from the truth.]

<sup>4</sup> [Apud Labb. Concil. Tom. IV. 94, c; 448, c. See also Bp. Morton’s ‘Grand Imposture,’ chap. XIII. sect. 1.]



(2) Though the Council did not question the form of the title, yet no one can think that they either intended to grant or acknowledge the Pope's universal authority by such their silence: for it is incredible that the same Council, which gave equal privileges to Constantinople<sup>1</sup>, should give or acknowledge an universal jurisdiction to Rome over the whole Church.

(3) But the words answer themselves, *Universali Archiepiscopo magnæ Romæ*, 'Universal Archbishop' (not of the whole Church, but) 'of great Rome;'—which grand restriction denies that universal power, which they would argue from it. The style of the Roman Emperor is 'universal Emperor of Rome,' and thus is distinguished from the Emperor of Turkey and all others; and denieth him to be the Emperor of the whole world.

Objection  
II.

Saith Binius<sup>2</sup>, 'The title at first was the Bishop of the Universal Church, because it is so read in the Epistle of Leo, but was altered by some Greek scribe in envy to the Church of Rome.'

Answer.

It is likely that a private man could or durst alter the style of a general Council, against the dignity of the Pope, his legate present; but it is more likely that some Latin scribe hath added that inscription to the Epistle of Pope Leo, in honour of the Church of Rome; as is confessed by Cusanus to have been done to the Epistle of Anacletus<sup>3</sup>, and by Baronius to have

<sup>1</sup> [See above, p. 66.]

<sup>2</sup> Annot. in Concil. Chalcedon. Act. III. ex Baronio.

<sup>3</sup> [This and the following facts are given on the authority of Bp. Morton, 'Grand Imposture,' pp. 93, 94. Compare Comber's

been done to the Epistle of Pope Boniface, and by three other Popes themselves unto the Council of Nice, viz. Zosimus, Boniface, and Cœlestinus. And the rather, because, as was just now noted, this Council at the same time honoured the Bishop of Constantinople with equal privileges to the Bishop of Rome.

‘Pope Leo opposed this decree of the Council, and disclaimed it<sup>1</sup>.’ Objection  
III.

No wonder; but it seems general Councils were not always of the Pope’s mind; and the Pope would then have had a greater privilege than a general Council; and if that was a general Council (as they themselves say it was) the controversy is ended: for by their own confession, this general Council made a decree against the Pope’s pretences of superiority, and therefore it did not intend, by the title of Bishop of the whole Church, to acknowledge that superiority which he pretended, and that Council of four hundred Bishops denied him. Answer.

‘This decree was not lawfully proceeded in, because the legates of the Pope were absent<sup>2</sup>.’ Objection  
IV.

The legates were there the next day, and accepted, and moved to have the acts of the day before read. Aetius for the Council sheweth that the legates knew what was done; ‘all was done canonically.’ Then the acts being read, the Pope’s legates tell the Council, that circumvention was used in making that Canon of privileges, and that the Bishops were com- Answer.

‘Roman Forgeries,’ Part I. pp. 12, 13; Part III. pp. 248, 249; Part III. pp. 35, et seqq.]

<sup>1</sup> [Bellarmin. de Romano Pontif. Lib. II. c. xviii.]

<sup>2</sup> Bellarm. de Romano Pontif. Lib. II. c. xxii.

pelled thereunto. The Synod with a loud voice cried jointly, 'We were not compelled to subscribe.' After every one severally protest, 'I did subscribe willingly and freely;' and the acts are ratified and declared to be just and valid; 'And wherein' (say they) 'we will persist.' The legates are instant to have the act revoked, because the apostolical See is humbled or abased; thereto the Fathers unanimously answered, 'The whole Synod doth approve it.' This clear account we have in Binius, in *Concil. Chalced. Act.* xvi.<sup>1</sup>

Bellarmino saith, that the Pope approved<sup>2</sup> all the decrees of this Council, which were *de fide*: and doth not Bellarmine argue that the Pope's superiority is *jure Divino*? and the present Church of Rome hold that his Supremacy is a point necessary to salvation? How comes it to pass that he would not approve this decree? Or how can they esteem this Council general and lawful, and swear to observe the decrees of it, when it is found guilty of heresy in so great a point as the Pope's Primacy?

But to end with this, the very title itself of 'Bishop of the Universal Church,' in the style of those ages, signified certainly neither Supremacy nor Primacy: 'Universal Bishop of the Church' seemed a dangerous title, importing universal power over it, and was therefore so much abhorred by Pope Gregory. But the title of 'Bishop of the Universal Church' signifieth the care of the whole Church, to which (as Origen<sup>3</sup> saith)

<sup>1</sup> pp. 134, 137. [Apud Labb. Tom. iv. 795, et seqq.]

<sup>2</sup> [Ubi supra: . . . "se Concilium illud approbasse, solum quantum ad explicationem fidei."]

<sup>3</sup> [This and the following instances are taken from Bp. Morton's 'Grand Imposture,' chap. vi. sect. 6.]

‘every Bishop is called.’ Therefore Aurelius, Fortunatianus, Augustine, are called ‘Bishops of the Universal Church,’ and many in the Greek Church had the same honourable titles given them<sup>1</sup>; which signified either that they professed the Catholic faith, or, as Bishops, had a general regard to the good of the Catholic Church.

But your own Jesuit<sup>2</sup> confesseth, ‘that Pelagius and Gregory, both Popes, have borne witness that no Bishop of Rome before them did ever use the style of Universal Bishops.’ However, Universal Patriarch makes as great a sound as Universal Bishop; yet that title was given to John Bishop of Constantinople by the Bishops of Syria<sup>3</sup>.

‘The custody of the Vine (*i. e.* the whole Church) the Council saith is committed to the Pope by God<sup>4</sup>.’ Objection  
v.

True, so that primitive Pope Eleutherius said to the Bishops in France, ‘the whole Catholic Church is committed to you<sup>5</sup>.’ St Paul also ‘had the care of all the Churches;’ but that is high which Gregory Nazianzen saith of Athanasius, ‘that he having the presidency of the Church of Alexandria, may be said thereby to have the government of the whole Christian world<sup>6</sup>.’ Answer.

Now, saith a learned man, “we are compelled to ask with what conscience you could make such objec-

<sup>1</sup> [See above, pp. 94—97.]

<sup>2</sup> Azorius, [Instit. Moral. Part II. Lib. II. cap. iv.]

<sup>3</sup> [In a synodal Epistle, apud Labb. Concil. Tom. v. 162, E.]

<sup>4</sup> [Bellarmin. de Romano Pontif. Lib. II. c. xiii.]

<sup>5</sup> [Quoted above, p. 288.]

<sup>6</sup> [Orat. XXI. p. 392, c: Opp. Paris. 1619.]



tions, in good earnest, to busy your adversaries and seduce your disciples withal, whereunto you yourselves could so easily make answer<sup>1</sup>.”

We find no further objection against the other Councils worthy notice. Bellarmine argues the Pope's Supremacy, because the Synod of Constantinople, being the fifth general Council, complimented the Pope as his obedient servants: *Nos (inquit Præses) apostolicam sedem sequimur et obedimus*<sup>2</sup>,—though this very Council both opposed, accused, and condemned the Pope for heresy; which could not possibly consist with their acknowledgment of his Supremacy or Infallibility.

The same is more evident in the sixth, seventh, and eighth, general Councils, condemning the persons and judgments of, and giving laws to, the Bishops of Rome; to which nothing material can be objected, but what hath been more than answered.

Binius indeed, in his Tract, ‘*De Primatu Ecclesiæ Romanæ*,’ gives us the sayings of many ancient Popes for the Supremacy pretended, especially in two points, the power of appeals (challenged by Pope Anicetus, Zephyrinus, Fabianus, Sixtus, and Symmachus), and exemption of the first See from censure or judgment by any other power, claimed by Pope Sylvester and Gelasius. But these are testimonies of Popes themselves in their own cause, and besides both these points have been found so directly and industriously

<sup>1</sup> Bp. Morton, [‘Grand Imposture,’ chap. viii. sect. 5.]

<sup>2</sup> Apud Bellarm. de Romano Pontif. Lib. II. c. xiii.

determined otherwise by their own general Councils, that further answer is needless<sup>1</sup>.

### CONCLUSION.

**T**HUS, objections being removed, the argument from the Councils settles firm in its full strength ; and seeing both the ancient Fathers and the Catholic Church have left us their sense in the said Councils, and the sense of the Councils is also the received and professed faith of the present Church of Rome itself, who can deny that the Catholic Church to this day hath not only not granted or acknowledged, but even most plainly condemned, the pretended Supremacy of the Bishop of Rome : yea, who can doubt but our argument against it is founded upon their own rock, the very constitution of the Papacy itself, as before hath appeared ?

Therefore the Pope's claim upon this plea, as well as upon any or all the former, is found groundless, and England's deliverance from his foreign jurisdiction just and honest as well as happy : which our good God in His wise and merciful Providence ever continue, preserve, and prosper ! *Amen, Amen.*

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<sup>1</sup> [Especially as these 'Decretal Epistles' were for the most part fabrications of later times, and as such are rejected by Romish historians ; e.g. Fleury. They formed a seasonable basis for the pretensions of Gregory VII. and Innocent III.]

## [APPENDIX A.]

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[THE peculiar position of English Romanists seemed to call for a fuller illustration than could have been conveniently bestowed on it in the body of the work. Under this conviction the Editor purposes in the following observations, first, to confirm the Author's assertion at p. 11, and secondly, to direct the thoughts of the younger student to the true state of our Anglo-Romanists.—On looking around us, we find a body of men professing respect to ecclesiastical principles, who yet keep aloof from the worship of the Church of England, and establish for themselves other altars and provide other teachers. Now by the canons of a general Council, it is declared highly criminal for persons, even 'where the confession of a sound faith is pretended, to make a schism and gather congregations in opposition to the canonical bishops'.<sup>1</sup> It is moreover admitted by both parties in the controversy that there cannot lawfully be two bishops in possession of the same diocese; that if one be in canonical possession, the other is guilty of irregularity and usurpation. The question, therefore, to be decided is this: Whether of the two rival communions possesses canonical bishops,—whether of the two is chargeable with intrusion and schism? At present we may neglect all considerations of doctrine; for besides our retention of the creeds, always professed by our forefathers, it is a fact well ascertained that the bishop, by whose interference the breach was eventually made, had himself expressed a willingness to sanction the Reformed services<sup>2</sup>. Accordingly our inquiry may be pursued

<sup>1</sup> [Ἀιρετικούς δὲ λέγομεν, τοὺς τε πάλαι τῆς ἐκκλησίας ἀποκηρυχθέντας, καὶ τοὺς μετὰ ταῦτα ὑφ' ἡμῶν ἀναθεματισθέντας· πρὸς δὲ τούτοις καὶ τοὺς τὴν πίστιν μὲν τὴν ὑγιή προσποιουμένους ὁμολογεῖν, ἀποσχίσαντας δὲ καὶ ἀντι-συνάγοντας τοῖς κανονικοῖς ἡμῶν ἐπισκόποις. Concil. Constant. I. A. D. 381, Can. vi.; apud Labb. Concil. Tom. II. 950, B.]

<sup>2</sup> [See Sir Roger Twysden's 'Vindication,' pp. 198, et seqq. It is true that our adversaries in more prosperous times have assumed a far different tone; but at the period we are considering, the Trent Creed had not found so hearty a reception, nor could men see so strongly in what particulars we have violated the Catholic faith.]

on the ordinary principles of Church discipline, the principles which guided the early Christians in determining a like controversy.—With them it was a first step to investigate the *orders* of the two rival communions, to trace upwards the succession of their bishops to apostles or apostolical men, and in case one party could not prove unbroken descent from the original pastors of the district, to give (*cæteris paribus*) a verdict to their adversaries. The well-known language of Irenæus is as applicable to communion as to doctrine; indeed in his age the questions were made almost identical. “Habemus annumerare qui ab apostolis instituti sunt episcopi in ecclesiis, et successores eorum usque ad nos qui nihil tale docuerunt neque cognoverunt, quale ab his deliratur<sup>1</sup>.” And in a similar spirit writes Tertullian: “Edant ergo origines ecclesiarum suarum; evolvant ordinem episcoporum suorum, ita per successiones ab initio decurrentem, ut primus ille episcopus aliquem ex apostolis vel apostolicis viris, qui tamen cum apostolis perseveraverit, habuerit auctorem, et antecessorem<sup>2</sup>.” Let now this test of apostolicity be applied in the case before us. The hierarchy of our Church is in actual possession of the English dioceses; they claim to be successors and representatives of the episcopacy, which flourished in England centuries before the Reformation; they challenge their adversaries to point out one single particular by which their orders have been vitiated or their jurisdiction forfeited. The Anglo-Romanists, on the contrary, have no pretension to this continuity: when they first gained a distinct existence in England, they made no attempt to perpetuate episcopacy, and thus tacitly admitted their irregular position. Once, indeed, Parsons endeavoured to procure bishops<sup>3</sup>, A.D. 1580, but the effort was abortive; and Blackwell was in 1598 nominated as head of the Recusants with the title arch-priest<sup>4</sup>. In 1623, Dr. Bishop came over to institute an episcopal government, but died in the following year. In 1625, Dr. Richard Smith (as bishop of Chalcedon) was appointed to preside over the Anglo-Romanists; but in 1629 he withdrew into France<sup>5</sup>. In 1685, the first vicar-

<sup>1</sup> [Adv. Hæres. Lib. III. cap. 3.]

<sup>2</sup> [De Præscriptione Hæret. c. xxxii.]

<sup>3</sup> [See Dodd's Church Hist. Vol. III. p. 47; Tierney's note.]

<sup>4</sup> [Ibid. pp. 47, et seqq.]

<sup>5</sup> [On these subjects, see ‘The History of the Decline and Fall of the Roman



apostolic entered England, one of a disconnected band who are described by one of their own disciples as "mere delegates, stewards of the Roman bishop, amenable to his will, dependent on his beck<sup>1</sup>." As vicars-apostolic they have no English jurisdiction; as titular bishops *in partibus infidelium*, they have no jurisdiction any where. Hence they are not properly bishops.—On this subject let us hear Dr. Milner (and surely the Romanists can ask no more favourable witness than the author of '*The End of Controversy*'): "In my first letter," he writes to Sir John Throckmorton<sup>2</sup>, "I made a necessary and obvious distinction between a *perfect* and an *imperfect* Church, between one that was actually formed and another that was only in a state of formation, in short, between an establishment and a mission. I shewed that we were in the latter of these predicaments, *having entirely lost the succession of bishops at the Reformation*," &c. &c. It is of course easy enough to assert that the *ipse-dixit* of a foreign bishop can give regularity to anything irregular, and can stultify the whole practice of the Church; but this assertion is to beg the question at issue, and, after the arguments of the preceding Treatise, few Englishmen, we may hope, will grant it.

Thus much may suffice for the teachers of the Anglo-Romanists: let us next consider the history of the society which has placed itself under their guidance.—Whatever be the character of persons who have come into this country with foreign orders, claiming jurisdiction in dioceses already filled, the case of the Romanists, as a body, will be ecclesiastically desperate, if we find them gaining existence by voluntarily dividing the Church and abandoning an older society of Christians which did not impose sinful terms of communion. That these terms were not at first considered sinful has been shewn in the preceding remarks; and the same truth is further illustrated by the conduct of the Anglo-Romanists themselves. It will not be denied that the Reformation, as to matters of faith, terminated in 1562, yet till 1570 there was in no quarter any visible defection from the worship of the

Roman Catholic Religion in England, translated from the Italian of Gregorio Panzani, by the Rev. Joseph Berington' (a Romanist), Lond. 1813; pp. 98, 108, 130. The title of this book is most significant.]

<sup>1</sup> [Apud Berington, p. 382.]

<sup>2</sup> [Ecclesiastical Democracy Detected, p. 121; Lond. 1793.]

English Church ; all persons assembled at the parish sanctuaries where their fathers had knelt for ages. Some few, it is probable, took exception to the Prayer-Book, on the ground that it omitted topics which they individually cherished : yet none at the impulse of his private spirit proceeded to form a conventicle, none assumed an attitude of hostility, until the 11th year of Queen Elizabeth. This is a point of very great importance ; for if once clearly established, the Recusants are convicted of voluntary secession, of disobedience to their canonical rulers, of ‘bearing arms against the Church, and resisting the appointment of God.’

*Historical proofs that the Romanists went out  
from among us.*

ON this subject we shall select only a portion of the evidence which is available. “For divers years,” writes Archbishop Bramhall, “in the beginning of Queen Elizabeth’s reign, there was no Recusant known in England ; but even they, who were most addicted to Roman opinions, yet frequented our churches and public assemblies, and did join with us in the use of the same prayers and Divine offices, without any scruple ; until they were prohibited by a papal bull, merely for the interest of the Roman court. This was the true beginning of the schism between us and them. I never yet heard any of that party charge our Liturgy with any error, except of omission ; that it wanted something which they would have inserted<sup>1</sup>.” The authority for the main fact here stated is a contemporary pamphlet, entitled ‘*The Disclosing of the Great Bull, that roared at my Lord Bishop’s Gate,*’ &c., published at London, 1569. The same circumstances are distinctly narrated by Bishop Andrewes, in the *Tortura Torti*, pp. 130—132, p. 142, ed. Lond. 1609,—by Camden, *Annales Elizabeth.* A.D. 1570, p. 186, ed. Lugdun. Batav. 1625,—by Sir Humfrey Lynde, *Via Tuta*, sect. iv. Coke, in his Charge at Norwich, A.D. 1607, declared that at first ‘none of the papists did refuse to come to our church, and yield their formal obedience to the laws established. And thus they continued, not any one refusing to come to our churches during the first ten years of her

<sup>1</sup> [Just Vindication, Part i., Disc. ii ; Works, Vol. i. p. 248 ; ed. Oxf. 1842.]

Majesty's government. And in the beginning of the eleventh year of her reign, Cornwallis, Bedingfield, and Silyarde, were the first Recusants, they absolutely refusing to come to our churches; and until they in that sort began, the name of Recusant was never heard of amongst us.' In addition to this passage, Mr. Palmer (*Treatise on the Church*, Vol. i., pp. 348, 349) adduces the instructions of Queen Elizabeth to Walsingham, and other documentary evidence, establishing the same position. Similar testimony is borne by a "*Relazione del presente Stato d' Inghilterra, cavata da una lettera scritta di Londra*;" in Roma, 1590. After referring to the recent fortunes of the Romanists, the writer goes on to tell us, "Allora tutti andavano comunemente alle sinagoghe degli eretici et alle prediche loro menandovi li figli et famiglie," etc. etc. This narrative was perused by Ranke, who gives an extract from it in his '*History of the Popes*,' Vol. II. p. 88, Engl. Trans. It agrees entirely with another passage in Ribadeneira, *de Schismate*, quoted by Hallam, *Constitut. History*, Vol. i. p. 118. Further proof, if necessary, may be found in Garnet<sup>1</sup>, and in Parsons<sup>2</sup>, although the latter is somewhat loath to make the admission. As late in the reign of Elizabeth as the year 1578, a virulent tract was written by Gregory Martin, 'shewing that all Catholics ought to abstain from heretical conventicles:' in other words, witnessing to the difficulty with which the Romanizing portion of the Church were detached from its communion and worship.

On the whole, therefore, we shall not scruple to conclude with Barrow<sup>3</sup>, that "the Recusants in England are no less schismatics than any other separatists. They are indeed somewhat worse; for most others do only forbear communion; these do rudely condemn the Church to which they owe obedience, yea, strive to destroy it: they are the most desperate rebels against it."]

<sup>1</sup> [See State Papers, Vol. i. p. 249; quoted by Mr. Palmer, ubi supra.]

<sup>2</sup> [Answer to the Fifth Part of Coke's Reports, p. 371.]

<sup>3</sup> [Unity of the Church; Works, Vol. i. p. 783; ed. 1716.]



## A SERIOUS ALARM

TO ALL SORTS OF ENGLISH MEN AGAINST POPERY,  
FROM SENSE AND CONSCIENCE, THEIR OATHS  
AND THEIR INTEREST.

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1. **T**HE Kings of England seem bound, not only by their title, but in conscience of their ministry under God, to defend the faith and the Church of Christ within their dominions, against corruption and invasion, and therefore against Popery.

They are also bound in honour, interest, and fidelity, to preserve the inheritance and rights of the Crown, and to derive them entire to their heirs and successors; and therefore to keep out the Papal authority.

And lastly, it is said they are bound by their oaths at their coronation, and by the laws of nature and government, to maintain the liberties and customs of their people, and to govern them according to the laws of the realm; and consequently not to admit the foreign jurisdiction of the Pope, in prejudice of our ancient constitution, our common and ecclesiastical laws, our natural and legal liberties and properties.

2. The nobility of England have anciently held themselves bound, not only in honour, but by their oaths, to preserve, together with the King, the territories and honours of the King most faithfully, and to defend them against enemies and foreigners; mean-



ing especially the Pope of Rome. It is expressed more fully in their letter to the Pope himself, in Edward the First's reign, to defend the inheritance and prerogative of the Crown, the state of the realm, the liberties, customs, and laws of their progenitors, against all foreign usurpation, *toto posse, totis viribus*, 'to the utmost of their power, and with all their might': adding, "We do not permit, or in the least will permit, *sicut nec possumus nec debemus*, though our Sovereign Lord the King do, or in the least wise attempt to do, any of the premises, (viz. owning the authority of the Pope, by his answer touching his right to Scotland,) so strange, so unlawful, prejudicial, and otherwise unheard of, though the King would himself<sup>1</sup>."

See that famous letter sent to the Pope, the 29th of Edward I., taken out of Corpus Christi College Library, and printed this year at Oxford, the reading of which gave the occasion of these meditations.

3. It appears further, in the sheet where you have that letter, that the Commons in Parliament have heretofore held themselves bound to resist the invasion and attempts of the Pope upon England, though the King and the Peers should connive at them; their words are resolute: "*Si Dominus Rex et Regni majores hoc vellent* (meaning Bishop Ademer's revocation from banishment upon the Pope's order) *communitas tamen*

<sup>1</sup> ["Nec etiam permittimus, aut aliquatenus permittemus sicut nec possumus, nec debemus, præmissa tam insolita, indebita, præjudicialia, et alias inaudita, prælibatum dominum nostrum regem, etiamsi vellet facere, seu quomodolibet attemptare." See the letter in Rymer's "Fœdera," Vol. i. Pars ii. p. 927, ed. Lond. 1816.]

*ipsius ingressum in Angliam nullatenus sustineret.*" This is said to be recorded about the 44th of Henry III.

4. It is there observed also, that upon the conquest, William the Conqueror made all the freeholders of England to become sworn brethren, sworn to defend the monarchy with their persons and estates to the utmost of their ability, and manfully to preserve it: so that the whole body of the people, as well as the Lords and Commons assembled in Parliament, stood anciently bound by their oath to defend their King and their country against invasion and usurpation.

5. The present constitution of this kingdom is yet a stronger bulwark against Popery. Heretofore indeed the papal pretensions were checked, sometimes in temporal, sometimes in spiritual concerns and instances; but upon the Reformation, the Pope's Supremacy was altogether and at once rejected, and thrown out of England; and the consequence is, an universal standing obligation upon the whole kingdom, by statutes, customs, and most solemn oaths, to defend our monarchy, our Church, our country, and our posterity, against those incroachments and that thralldom, from which we were then so wonderfully delivered, and for this hundred years have been so miraculously preserved,—blessed be God!

Accordingly in our present laws, both the temporal and ecclesiastical Supremacy is declared to be inherent in the Crown, and our Kings are sworn to maintain and govern by those laws: and I doubt not but all ministers of the Church, and all ministers of state, and of law and war, all mayors and officers in cities and towns corporate, &c., together with all the

sheriffs and other officers in their several counties; and even all that have received either trust or power from his Majesty within the kingdom;—all these, I say, I suppose are sworn to defend the King's Supremacy as it is inconsistent with, and in flat opposition to, Popery.

In the Oath of Allegiance, we swear to bear true allegiance to the King, and to defend him against all conspiracies and attempts which shall be made against his person and Crown, to the utmost of our power; meaning especially the conspiracies and attempts of Papists, as is plain by that which follows in that oath, and yet more plain by the Oath of Supremacy.

In which oath we swear, that the King is the only supreme governor in this realm, as well in all spiritual things and causes, as temporal; and that no foreign prince or prelate hath, or ought to have, any jurisdiction ecclesiastical within this realm; and that we do abhor and renounce all such. We swear also, that we will bear faith and true allegiance to the King, and to our power assist and defend all jurisdictions, viz. ecclesiastical as well as temporal, granted or belonging to the King's Highness.

6. Now next to oaths, nothing can be thought to oblige us more than interest. But if neither oaths nor interest, neither conscience nor nature, neither religion nor self-preservation, can provoke us to our own defence, what remains but a certain fearful expectation of judgment to devour a perjured and senseless generation?

If either our joint or several interests be considerable, how are we all concerned?

(1) Is there any among us that care for nothing but liberty and money? They should resist Popery, which would many ways deprive them of both.

(2) But if the knowledge of the truth, if the canon of life in the holy Scriptures, if our prayers in our own tongue, if the simplicity of the Gospel, the purity of worship and the integrity of Sacraments, be things valuable and dear to Christians,—let them abhor Popery.

(3) If the ancient privileges of the British Church, the independency of her government upon foreign jurisdiction; if their legal incumbencies, their ecclesiastical dignities; if their opportunities and capacities of saving souls in the continuance of their ministries; if their judgment of discretion touching their doctrine and administrations; their judgment of faith, reason, and sense, touching the Eucharist; if exemption from unreasonable impositions of strange doctrines, Romish customs, groundless traditions, and treasonable oaths; and lastly, if freedom from spiritual tyranny and bloody inquisitions,—if all these be of consequence to clergymen, let them oppose Popery.

(4) If our judges and their several courts of judicature would preserve their legal proceedings, and judgments and decrees; if they would not be controlled and superseded by bulls, sentences, and decrees from the Pope, and appeals to Rome,—let them never yield to Popery.

(5) If the famous nobility and gentry of England would appear like themselves and their heroic ancestors, in the defence of the rights of their country, the laws and customs of the land, the wealth of the peo-



ple, the liberties of the Church, the empire of Britain, and the grandeur of their King, or indeed their own honour and estates in a great measure,—let them never endure the re-admission of Popery.

(6) Yea, let our great ministers of state, and of law, and of war, consider that they stand not firm enough in their high and envied places, if the Roman force breaks in upon us; and remember that had the late bloody and barbarous design taken effect<sup>1</sup>, one consequence of it was, to put their places into other hands; and therefore in this capacity, as well as many other, they have no reason to be friends to Popery.

(7) As for his most excellent Majesty, no suspicion either of inclination to, or want of due vigilance against, Popery, can fasten upon him; and may he long live in the enjoyment and under a worthy sense of the royalties of monarchy, and the honour and exercise of his natural and legal supremacy, in all causes and over all persons within his dominions, both civil and ecclesiastical—his paternal inheritance of empire; and at last leave it entirely to his heirs and successors upon earth, for a more glorious crown in heaven. And in the mean time, may he defend the faith of Christ, his own prerogative, the rights, privileges, and liberties, and estates of his people, and the defensive laws and customs of his Royal progenitors; and therefore may he ever manage his government, both with power, care, and caution, in opposition to the force, and detection and destruction of the hellish arts and traitorous designs and attempts of Popery.

<sup>1</sup> [An allusion to the pretended conspiracy of the French, &c. revealed by Titus Oates, A.D. 1678.]

(8) I conclude, that if the precious things already mentioned, and many more, be in evident danger with the return of Popery, let us again consider our oaths as well as our interest, and that we have the bond of God upon our souls; and, as the Conqueror's words are, we are *jurati fratres*, we are sworn to God, our King and country, to preserve and defend the things so endangered, against all foreign invasion and usurpation, *i. e.* against Popery. Accordingly, may our excellent King, and his councils and ministers; may the Peers of the realm and the Commons in parliament; may the nobility and gentry, may the judges and lawyers, may the cities and the country, the Church and state, and all ranks and degrees of men amongst us; may we all, under a just sense, both of our interest and our oaths,—may we all as one man, with one heart, stand up resolved by all means possible to keep out Popery, and to subvert all grounds of fear of its return upon England for ever. *Amen, Amen.*

Οὕτω δὲ καὶ ἄρχοντα ἐκκλησίας ἐκάστης πόλεως ἄρχοντι τῶν ἐν τῇ πόλει συγκριτεον. Origen. contra Celsum, Lib. III. [p. 129; ed. Cantab. 1658.]

“It is fit that the governor of the Church of each city should correspond to the governor of those which are in the city.”

“*Præsumi malam fidem ex antiquiore adversarii possessione.*”

“*Ad transmarina Concilia qui putaverit appellandum, a nullo intra Africam in communionem recipiatur.*” Concil. Milevitan. [Can. XXII.; apud Labb. Tom. II., 1542, 1543.]

# THE OATHS

OF

## ALLEGIANCE AND SUPREMACY.

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### THE OATH OF ALLEGIANCE.

I A. B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our Sovereign Lord King Charles is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries: and that the Pope, neither of himself, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose any of his Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his Majesty, or to give licence or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his Majesty's royal person, state or government, or to any of his Majesty's subjects within his Majesty's dominions.

Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication or deprivation made or granted, or to be made or granted by the Pope or his successors, or by any authority derived or pretended to be derived from him or his See, against the said King, his heirs or successors, or any absolution of the said subjects

from their obedience; I will bear faith and true allegiance to his Majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesty, his heirs and successors, all treasons and traitorous conspiracies which I shall know or hear of, to be against him or any of them.

And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the Pope, may be deposed or murdered, by their subjects, or any other whatsoever.

And I do believe, and in conscience am resolved, that neither the Pope, nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to be lawfully administered unto me, and do renounce all pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge, and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian. So help me God, &c.



## THE OATH OF SUPREMACY.

I A. B., do utterly testify and declare in my conscience, that the King's Highness is the only supreme governor of this realm, and of all other his Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal: and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual within this realm: and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise from henceforth I shall bear faith and true allegiance to the King's Highness, his heirs and lawful successors, and to my power shall assist and defend all jurisdictions, privileges, pre-eminences, and authorities granted or belonging to the King's Highness, his heirs and successors, or united and annexed to the imperial Crown of this realm. So help me God, and by the contents of this book.

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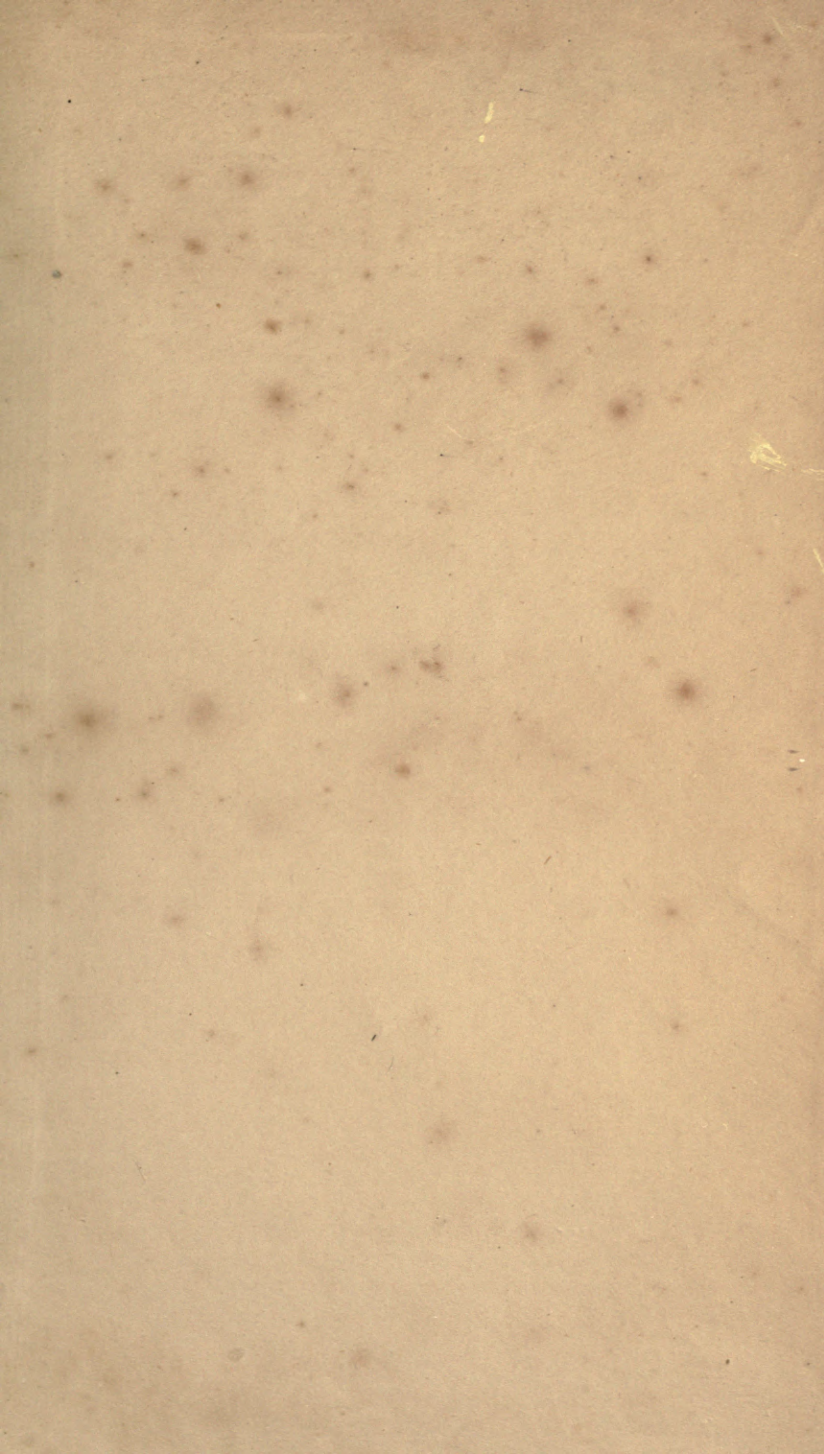
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